

Management Policy

Public Records Request

Policy I.D.: CM-01.01

Effective Date:
9/15/2017

Responsible Division:

Communication and Marketing

Responsible Director/Executive:

Hillary Foose, Director Communication and Marketing

I. DEFINITIONS

Public Records

A record required by law to be made and kept by a public officer or a government agency in the course of the performance of a duty also known as a record filed in a public office. The term “Public Record” should be interpreted liberally in order to facilitate the dissemination of information to the public. Few records in the possession of a public employee will not be considered a “Public Record.” The exceptions are discussed later in this policy.

Public Records and Arizona Law

Arizona Public Records law is found in Arizona Revised Statutes at § 39-121. The law applies to public entities, including Valley Metro. The Statute seeks to increase public access to government information and ensure government entities are being held accountable.

Public Records Request

A written request for agency Public Records from any member of the public and/or media.

II. REASON FOR THIS POLICY

To establish guidelines regarding the release of information by Valley Metro to the public and media. This policy’s intent is to maintain accountability and promote open communication. Valley Metro will strive to provide accurate, timely information to any person or newsgathering organization in an impartial manner.

III. POLICY STATEMENT

Valley Metro will comply with its obligations under the Arizona Public Records law (A.R.S. 39-121) in a timely manner.

Valley Metro’s General Counsel will be consulted prior to releasing Public Records Requests related to a matter that: is currently in litigation; may lead to litigation; is of a questionable nature; or seeks sensitive, proprietary or confidential information.

Employees contacted directly by the media must notify the Communications Department of any request for public information or interview request. Employees are prohibited from releasing information that would jeopardize an active investigation, improperly prejudice an accused person's right to a fair trial, or violate the law or privacy rights of any employee.

To appeal Valley Metro's decision not to disclose a record, a person or entity may file a written appeal to Valley Metro within ten (10) business days of the date the records request was denied. The Chief Executive Officer (CEO) and Valley Metro's General Counsel will consult with one another to determine whether the interests of public disclosure outweigh the privacy rights of the individual(s) affected.

IV. ORGANIZATIONS, ENTITIES AND INDIVIDUALS AFFECTED BY THIS POLICY

This policy applies to all requests to Valley Metro for records and documents, regardless of the identity of the requesting party. All Valley Metro employees, including Valley Metro consultants, contractors and member agency staff shall adhere to this policy when fulfilling Public Records Requests.

V. EXCLUSIONS/EXCEPTIONS

Exceptions to Public Records disclosure:

The availability of records for public inspection has limits. Arizona's public records law only requires that public officials maintain records reasonably necessary to provide knowledge of all activities they undertake in the furtherance of their duties.

There are exceptions to this policy regarding Private or Personal Documents; Confidentiality; Personal Privacy; and "Best Interest." Details and examples regarding these exceptions can be found in the *Public Records Request Management Procedure*.

VI. RESPONSIBILITIES

Communications Manager

- Responsible for the release and coordination of public information requests, compiling documents and promptly responding
- Maintains a tracking mechanism of all Public Records Requests requested, fulfilled, and/or denied.

Chief Operating Officer

- Responsible for reviewing and coordinating all electronic email requests prior to release.

Chief Executive Officer

- Reviews high-level incidents with the Communications Department, General Counsel and/or other impacted Division Head(s) prior to release
- Determines action on appeals in conjunction with General Counsel.

Director of Communications

- Supervises public information requests, recommends any changes to the policy
- Reviews all high-level incident requests with CEO and General Counsel prior to release.

General Counsel

- Reviews all Public Records requests concerning litigation or seeking legal advice. Reviews high-level incidents with the CEO and designated Division Heads prior to release
- Determines action on appeals in conjunction with CEO.

VII. RELATED DOCUMENTS, FORMS AND TOOLS

Public Records Request Form

Public Records Request Management Procedure

Management Policy - Records Retention

VIII. WEBSITE ADDRESS FOR THIS POLICY

valleymetro.org/news_media/public_records_requests

IX. HISTORY AND UPDATES

CM-01.01- replaces, 8.4 (Public Records Request Policy and Fee Schedule January 31, 2008).

Responsible Division Head:



Hillary Foose
Director, Communication and Marketing

10-6-17
Date

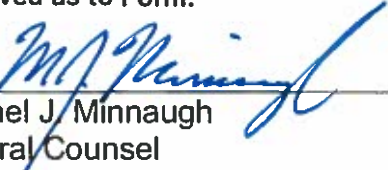
Reviewed By:



Rob Antoniak
Chief Operating Officer

9/15/17
Date

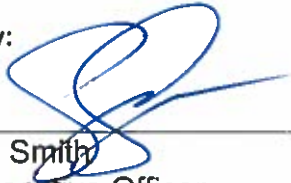
Approved as to Form:



Michael J. Minnaugh
General Counsel

10/9/17
Date

Issued By:



Scott W. Smith
Chief Executive Officer

11-8-17
Date