Purpose of Today’s Presentation

- Public Records - Reminder
- Public Records Request Portal – Launch!
- NCCU Policies, Regulations and Rules Website - Reminder
- Office of Legal Affairs Website – Launch!
What is the NC Public Records Law? (NC General Statute §132-1, et. seq)

• State Law
• The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people.
• General Rule: Public records and public information can be obtained at minimal or no cost unless otherwise specifically provided by law.

Key term
Public record- refers to all documents, papers, letters, maps, books, photographs, films, sound recordings, tapes, or electronic data made or received in connection with the transaction of public business by any agency of North Carolina.

Why should I be familiar with the NC Public Records Law?

• Though there are exceptions to the Public Records Law, the large majority of records that are created by state employees are subject to disclosure
• Records must be maintained in accordance with the University General Records and Retention Schedule and made available to the public upon request
Can emails and text messages be public records?

YES!

- The content of the email/text message, not its location, determines whether or not the email/text message is a public record.
- Key inquiry – Was the email made or received in connection with the transaction of public business?
  - Yes – public record, regardless of whether it was created or stored on a public or private computer, mobile device or email system.
  - Ex. An email or text message sent from your Gmail account or non-work/personal iPhone can constitute a public record and must be disclosed if requested.
- The University Record and Retention Schedule does not include a separate category for emails; again, the content of the email determines how long the record should be maintained. (Ex. An employee performance evaluation maintained via email only must be retained for 3 years in accordance with the General Records and Retention Schedule.)

Key Points

- Carefully consider whether you should send an email or text message, or whether the information should be conveyed via a telephone discussion.
- The custodian of a public record has an obligation to retain the record in accordance with the University Record and Retention Schedule and to produce the record upon request (after the proposed disclosure is reviewed by the Office of Legal Affairs).
- If the same document exists in both hardcopy and electronic form, the records custodian need only retain one document format, not both (i.e., keep the hardcopy of the email rather than both the hardcopy and the electronic copy of the email).
- Records that contain confidential information – such as student records or most personnel records – are not public records and are generally prohibited from being disclosed.
- Review the Public Records Request Regulation and the Public Records FAQ on the OLA website for more information and contact the Office of Legal Affairs with any questions.
NCCU Policies, Regulations and Rules Website

Office of Legal Affairs Website

About Us

The Office of Legal Affairs (OLA) is an office of the University which provides comprehensive legal advice and assistance to faculty, students, staff, and other members of the University. The OLA is responsible for providing legal advice, guidance, and assistance to the University and its members in all matters related to the operation of the University. The OLA serves as a valuable resource for the University and its members, and is committed to providing high-quality, professional legal services to the University and its members.

The OLA is responsible for the following:

- Providing legal advice and assistance in all aspects of University operations, including contracts, real estate, intellectual property, and compliance with applicable laws and regulations.
- Representing the University in all legal matters, including litigation, negotiated settlements, and transactions.
- Developing and implementing policies and procedures to ensure compliance with applicable laws and regulations.
- Providing training and education to University faculty, staff, and students on legal issues relevant to their operations.

The OLA is committed to providing high-quality legal services to the University and its members, and is dedicated to ensuring that the University operates in compliance with all applicable laws and regulations.
Office of Legal Affairs Website

Contracting Resources

Contracting Resources and Process for Contract Review

North Carolina Central University Office of Legal Affairs

Resources

NC Public Records Law
NC General Statutes
http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_132.html

NCCU Public Records Request Regulation
http://www.nccu.edu/policies/retrieve.cfm?id=385

NCCU University Record Retention and Disposition Schedule Regulation
http://www.nccu.edu/policies/retrieve.cfm?id=383

NCCU Public Records FAQs
http://www.nccu.edu/legalaffairs/public-records.cfm

NCCU Public Records Request Portal
https://nccu.nextrequest.com/

Policies, Regulations and Rules Website
http://www.nccu.edu/policies/index.cfm

Office of Legal Affairs Website
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