

DATE

Addressed to person who has records

@@@@@
@@@@@
@@@@@

Re: public records request

Dear _____:

Pursuant to the North Carolina Public Records Law, G.S. § 132-1 et seq., I write to request copies of the following records:

[insert description here]

For the purposes of this request, “communications” is defined as all communications *sent or received* by email, text message or communication using any other platform. For requested emails, I request responsive records from both official email accounts and any personal email account used related to official business. Please produce data in its native, electronic format (such as Outlook email files). Please assure all attachments are included. Provision in .pst format is acceptable. For requested text or other messages, I request responsive records from any phone or device issued by [the public agency] as well as any messages related to [public agency] business or [public agency] officials that are sent or received using personal devices.

If you take the position that any requested record is not open to public inspection under the Public Records Law, please provide all statutory exemptions that you contend permit you to withhold requested records. To permit future judicial review of this matter should the need arise, please preserve all potentially responsive documents whether or not they are produced.

If you take the position that any requested record is subject to redaction, please provide the non-confidential portion of the record, consistent with G.S. § 132-6(c). (“No request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information. If it is necessary to separate confidential from nonconfidential information in order to permit the inspection, examination, or copying of the public records, *the public agency shall bear the cost of such separation.*”)

As provided by the statute, I request provision of these records as promptly as possible. G.S. § 132-6(a). Specifically, I request that you provide access to the records in batches, as soon as they are available without regard to the availability of any other records. Further, if any of the records do not exist or are otherwise unavailable, please list the unavailable documents, the

reason for their unavailability, when you expect them to be available, and provide the documents that are available.

Recently a Columbus County trial court held that an unjustified one-month delay in production of records was tantamount to a denial.

The plaintiffs have been denied access to public records in the sense that an unnecessary, undue, and unreasonable delay in providing them amounts to a substantial failure to comply with the Public Records Law.

The News Reporter Co., et al. v. Jody Greene, Case No. 20 CVS 1147, Columbus County, North Carolina (Feb. 19, 2021). The court ordered the records produced, ruled in favor of plaintiffs on all counts, and awarded the plaintiffs their full fees in litigation.

I am happy to receive responsive records in digital form by email at [REDACTED], via Dropbox or on a thumb drive. Should you have any questions or need me to clarify this request in any way, please do not hesitate to email me or to call me at ###-###-####.