

Filing & Public Records – Guidance for Soil and Water Conservation Districts June 2011

- Soil and Water Conservation District files are available to the public under the provisions of the DENR Public Records Policy and the North Carolina Public Records Law (<http://www.enr.state.nc.us/files/DENRPublicRecordsPolicyRevised0315-2.pdf>) (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_132.html)
 - Soil and Water Conservation Districts that are organized as county departments should understand and follow their county public records and records retention policies. For Soil and Water Conservation Districts that are independent public authorities, the local county policies related to public records may be useful; you may consider adopting these or adopting a revised version to fit your needs.
 - NRCS files are available to the public under the provision of the Freedom of Information Act. Information on how to make a FOIA request is available from the District Conservationist. (<http://www.nrcs.usda.gov/about/foia/requestfk.html>)
 - Section 1619 of the 2008 Farm Bill provides for the protection of USDA client information, and may limit the release of information in NRCS files (including most items in a conservation plan – resource data, designs, assistance notes, acreage, tract and farm numbers, etc.).
 - Information in District files (including ACSP, CREP, CCAP, etc.) is subject to release under North Carolina Public Records Law; for ACSP Program Year 2009, all participants in the ACSP were required to sign form NC-ACSP-1R (03/2009) as a requirement for participating in the ACSP. For CREP Program Year 2009, all participants in CREP were required to sign a release form as a requirement for participating in CREP. On this form, the participant acknowledged that their records may be subject to release. Beginning in Program Year 2010, language was added to the state contract documents for the participants to authorize release of information.
 - Even under the North Carolina Public Records Law, there are some records that are exempted from public disclosure. For example, Social Security numbers and other personal identifying information are not subject to disclosure. A public record that contains identifying information cannot be withheld, but the identifying information must be blocked from view before allowing the document to be released. A quick list of personal identifying information is below.
 - Due to the different handling requirements for NRCS and Soil and Water Conservation District files, it is recommended that files be kept in separate filing cabinets, in order to have a clear distinction between the two file types.
 - It is recommended that all Soil and Water Conservation District files containing personal identifying information be kept in locked filing cabinets to help protect the Soil and Water Conservation District from liability.
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Personal Identifying Information that is not subject to public disclosure

- Social Security Number, including the “last 4 digits”
 - Tax or Owner’s Identification Number, when such number is identical to SSN or any part of the SSN
 - Personal phone number
 - Personal email address
 - Place and date of birth
 - Mother’s maiden name
 - Personal financial information, such as bank account number and banking information
 - Driver’s license number
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Responding to a Public Records Request

- Make a note of the request information and the date of the request
- You do not have to generate the data in a specific format for the request if it is not already available. (example if the request is stream miles protected in 14 digit HU and all we have is acreage in 8 digit HU – we do not have to generate the data as they requested if it is not available)
- Determine if the request is for a federal or state/local record; if it is for a federal record, inform the requester to contact NRCS; if it is for a state/local record, proceed with the steps below
- Determine if the request is for copies of documents or to inspect documents. The public and news media are entitled to both

- Determine whether there will be a cost – other than the cost for simple copying. Any fee charged must not exceed the actual cost of searching for and making copies
- Notify the requesting party in writing that the request has been received and give a reasonable timetable for a response. Include information about costs
- District cannot ask why the information is needed or tell them to provide a reason in their request
- Remember that public records includes all books, maps, photos, papers, cards, magnetic tapes, computer data and other documentary material in the possession of a public body
- Be careful not to release private information such as Social Security numbers, drivers license numbers or bank account information

Setting Local Soil and Water Conservation District Public Records Request Policies

- The local Soil and Water Conservation District Boards can set local policies regarding public records requests, in compliance with the North Carolina Public Records Law; if this is done, it should be applied in all cases and equitably among all public records requests
- The Department of Cultural Resources has a Government Records branch that may provide support to local Soil and Water Conservation Districts as you develop a local records retention policy and disposition schedule. Visit their website for more information: <http://www.records.ncdcr.gov/local.htm>
- Soil and Water Conservation Districts may want to create a form to be filled out to make a file request (example below); keep in mind that *requests in writing are not required*, and individuals making the request cannot be required to provide their name or their reason for the request
- Soil and Water Conservation Districts may want to designate an individual in the office to be responsible for handling public records requests
- Soil and Water Conservation Districts may want to adopt a policy that public records requests will be handled in a reasonable time frame, in compliance with the North Carolina Public Records Law – Chapter 132
- Soil and Water Conservation Districts may want to charge a fee for making copies – remember that all funds spent by the local Soil and Water Conservation District must be accounted for in a budget ordinance

Soil and Water Conservation District File Request

**Note – this form and the information requested is optional; requests do not need to be provided in writing*

Name _____

Date _____

Phone number _____

Email address _____

File(s) requested and preferred media format:

Additional information that may be helpful in the retrieval of this information:
