



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

EPD Director's Office

2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

MEMORANDUM

TO: Environmental Protection Division

FROM: **Richard Dunn**
Director

CC: **Lauren Curry**
Deputy Director
Karen Hays
Chief, Air Protection Branch
James Cooley
Director of District Operations

Jac Capp
Chief, Watershed Protection Branch
Jeff Cown
Chief, Land Protection Branch

RE: **Complaint Tracking System**
Attachments for Complaints

DATE: July 3, 2018

Beginning in April 2018, the online Complaint Tracking System (CTS) was updated to permit EPD personnel to upload documents associated with complaints. Going forward, these attachments will be included in the information made available for closed complaints through the CTS public inquiry portal. As such, the public will be able to view these attachments without filing an open records request. In addition, this function allows EPD personnel to store certain documents electronically. In light of these two issues, this memorandum outlines EPD's policy with respect to CTS complaint attachments.

Open Records

The Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.* (GORA) provides that public records are open for inspection and copying by the public, unless such records are exempt from disclosure. O.C.G.A. § 50-18-71(a). GORA includes over fifty exemptions from disclosure, and there are additional exemptions contained in other state laws.

The CTS system cannot screen attachments for exempt information. Consequently, any attachments uploaded to CTS must either be able to be disclosed in their entirety or redacted to remove from the uploaded document any exempt material.

Information that may be included in attachments that is exempt from disclosure includes, but is not limited to, the following:

- An individual's unlisted or cellular telephone number or personal e-mail address (unless disclosed by that person to the state for administrative purposes);
- Information the disclosure of which would compromise security against sabotage or criminal or terrorist acts. Examples include the exact locations of drinking water intake points/drinking

water wells or certain information about security protocols for/locations of hazardous or radioactive materials;

- Trade secret information/confidential business information that has been designated as such by the entity providing that information to EPD;
- Attorney-client privileged information or communications or information that is attorney work product (if working with the Attorney General's office on a matter).

Any such information should be redacted from attachments before being uploaded to the CTS system. The unredacted version of the attachment should be placed in the hard copy file for the complaint.

Records related to a pending investigation of an agency are also exempt from disclosure until the investigation is closed; because the public inquiry portal CTS only makes the contents of closed cases searchable, this exemption is not relevant to the uploading of attachments.

Electronically Stored Information

Hard copy information may be, but is not at the time required to be, scanned and uploaded to the online CTS for ease of reference for EPD personnel and for the public. For example, if a complaint recorded in CTS leads to issuance of a Notice of Violation letter, that letter may be uploaded to the CTS system. Currently, it is EPD's policy that the hard copy of that letter should be retained in the file as well.

If information uploaded to CTS is electronic in its original form (e.g., photographs taken with a digital camera or EPD-issued phone), that information may be, but is not required to be, printed out and kept in the file in hard copy as well.

EPD is developing a uniform policy for management of electronic versions of hard copy files and once that policy is final it will supersede and replace this portion of this memorandum.

If you have any questions regarding this memorandum, please contact Laura Williams at (404) 232-7985.