

RESPONDING TO OPEN RECORDS REQUESTS

Act No. 2024-278 | Effective October 1, 2024

SUBMISSION & RECEIPT

Hand-Delivered Requests: Receipt occurs when request is received at public officer's main office or principal place of business

Mailed Requests: Receipt occurs on date of actual receipt by public officer (*a certified mail receipt or similar signed postage receipt is prima facie evidence of receipt by public officer*)

ACKNOWLEDGMENT

Provide within 10 days of receipt for **standard request**
Provide within 10 business days of receipt for **time-intensive request**

STANDARD REQUEST / RESPONSE

Within 15 business days of **acknowledgment**:

Provide a substantive response

OR

Notify requester in writing of 15-business-day extension & provide substantive response upon expiration of extension period(s)*

TIME-INTENSIVE REQUEST

Within 15 business days of **acknowledgment**:

Log request **AND**

Notify requester of any likely fees

If requester opts not to pay fees, the process concludes. He/she can submit a new request & restart the process.

If requester opts to pay fees & proceed:

RESPONSE

Within 45 business days of requester's election to proceed:

Provide a substantive response

OR

Notify requester in writing of 45-business-day extension & provide substantive response upon expiration of extension period(s)*

*Act 2024-278 provides that extensions of time to provide a substantive response may be initiated in writing by the governmental entity's public officer in designated intervals (15-business-day intervals for Standard Requests and 45-business-day intervals for Time-intensive Requests). The act does not expressly limit the number of extensions that may be initiated by the public officer.

However, for a Standard Request, after the expiration of the initial 15-business-day extension period, a rebuttable presumption may arise that the request has been denied, unless certain conditions are satisfied, including that a partial response has been provided, negotiations are ongoing with the resident, an agreement has been reached with the resident regarding the timing of the response, or the status of the request has been reasonably communicated to the resident. For Time-intensive Requests, this presumption arises following a third extension, i.e., after 180 business days or 270 calendar days following the resident's election to proceed. *As a result, multiple extensions should not be initiated by the public officer without consideration of whether communication is being maintained with the resident regarding the substance, status, or anticipated timing of a response to his or her request.*