

# **OPEN RECORDS POLICY**

## General Statement of Policy

It is the policy of the Alabama Housing Finance Authority (the "Authority") to comply with applicable law governing the availability of its records for public inspection. It is also the policy of the Authority to use as much of its finite resources as possible to assist in financing the development and preservation of safe and sanitary dwellings for citizens of the State of Alabama with low and moderate income and to avoid any unnecessary inefficiency or interference that would divert resources from these purposes. Therefore, in establishing this Open Records Policy, it is the intention of the Authority to balance the interest of citizens in knowing what the Authority is doing in the discharge of its responsibilities against the interest of the general public in ensuring that the Authority's responsibilities are carried on efficiently and without undue interference.

## Records of the Board of Directors of the Authority

All proceedings of the board of directors of the Authority shall be open to the public, and all records of the board shall be subject to public inspection during business hours. Copies of such proceedings, when certified by the secretary or assistant secretary of the Authority under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

## General Records of the Authority

The Authority shall comply with applicable law governing records required to be made available to the public for inspection. Such records shall be made available to the public in any reasonable time, place and manner that may be agreed between the Authority and the persons who wish to inspect such records and that permits ample access to records while minimizing expenses and avoiding undue interference with the Authority's operations. Persons who wish to inspect the Authority's records should provide reasonable advance notice so that the Authority can arrange for the availability of the records, and if deemed necessary by the Authority, the availability of staff to be present during the inspection. Authority staff may impose reasonable limits on the number of persons who may inspect records at once or the number of records inspected at any one inspection.

## Special Policy for Certain Records

The Authority receives each year certain applications (the "Applications") from applicants wishing to receive low income housing tax credits made available by the United States Department of the Treasury or funds made available under the United States Department of Housing and Urban Development's HOME Partnerships Investment Program. The Applications are received and scored by the Authority in accordance with certain

qualified allocation plans, which are established by the Authority pursuant to requirements imposed by the Department of the Treasury and the Department of Housing and Urban Development. Due to the nature of these Applications and the information they contain, the Authority has determined that it is advisable to establish a special policy for inspection of these Applications. Applications will be made available for public inspection in accordance with the following policies and procedures:

1. The Authority shall provide photocopies of Applications for public inspection, absent a compelling need to examine the original records.
2. Applications will be available for inspection on Tuesdays and Thursdays between 9:00 a.m. to 4:00 p.m., subject to the Authority's prior approval of the time and date for each inspection. Requests for inspection must be submitted in writing by the person who will be inspecting the Applications. All requests shall identify clearly the person who will be inspecting the records, identify any other persons expected to be present, identify the specific records to be inspected, describe the reason why the inspection is requested, and propose a specific time and date within the above time frames for the inspection. This request should be submitted to the Authority not less than five (5) business days prior to the proposed date of inspection. If a request reasonably appears to Authority staff to be purely speculative, based upon idle curiosity, or intended to interfere unduly or hinder the Authority's discharge of its duties, Authority staff is authorized to require additional information concerning the reviewer's intended purpose and to take such other action as it deems appropriate, including without limitation regulating the scope of the inspection or, in extreme circumstances, denying inspection altogether.
3. A member of the Authority's staff will be present during each inspection in order to assist in identifying the records and to ensure that the records are not damaged while being inspected and that the records are kept in a workable order. Each reviewer will be advised that the staff member is not authorized or permitted to answer questions about the information contained in specific files. There will be no charge for the first hour of the staff member's time during the inspection. A fee of \$20.00 per hour will be charged for each additional hour of the staff member's time.
4. At the time of the inspection, the reviewer will be required to agree in writing to be responsible for all costs of photocopying and fees for staff time incurred in connection with the inspection. Exceptions will be made only for evidence of financial hardship reasonably

satisfactory to the Authority. If a reviewer fails to pay any invoice related to inspection of Applications within thirty (30) days following receipt, the Authority reserves the right without further notice to terminate any Applications the reviewer has pending with the Authority and to exclude the reviewer and any entities owned or controlled by the reviewer from submitting Applications in the Authority's next application round.

5. Authority staff will redact or remove from the Applications any information that the Authority reasonably believes may be deemed proprietary or confidential by the applicant or by other persons or businesses referenced therein. This information may include, but is not limited to, personal or business financial statements, account numbers, market studies, financial commitment letters, trade secrets, social security numbers and tax identification numbers.
6. Each reviewer will sign in and out on a register prepared and maintained by the Authority. This register will contain the name, company, mailing address and telephone number of the persons who inspected the Applications (including any additional persons who were present during the inspection), the date and approximate time of the inspection, a reasonable description of the Applications that were inspected and the reason why the inspection was requested. This register will be subject to inspection by the public under the same procedures as the Applications themselves.
7. The Authority shall place a summary of each Application's score in the Application file. This score sheet should be included among the records made available for inspection under this policy.
8. Beginning with the 2001 cycle, photocopies of the Applications will become available for inspection only after the Authority has completed its inspection, scoring and allocation process at the conclusion of the application cycle.
9. Authority staff may elect in its discretion, but is not obligated, to advise an applicant when the applicant's Application has been requested for inspection.

### Photocopies of Authority Records

The Authority will charge \$ .25 per page for letter or legal size photocopies of Authority records. This fee represents the Authority's reasonable estimate of the actual cost of providing the information to the public, including staff time, photocopying expense and postage cost. Charges for photocopies of larger records will be established by Authority staff based upon a reasonable estimate of the actual costs of providing the information. Persons inspecting Authority records who wish to request photocopies shall identify in writing the specific records to be photocopied. Depending upon the volume of photocopies requested, Authority staff may elect whether to photocopy and deliver the records at the time of inspection or whether to mail the copies to the reviewer thereafter. It is the Authority's policy to mail photocopies of records within seven (7) business days following the date of inspection; provided, however, that the Authority may require more time if the request is particularly large or if fulfilling the request within seven (7) business days would disrupt the Authority's day to day operations.

### Privacy Policy for all Authority Records

It is the policy of the Authority to comply with applicable law governing the privacy or confidentiality of information that it receives from others. Therefore, the Authority reserves the right to redact or remove such information from records made available for inspection as it deems necessary in order to comply with applicable law governing the privacy or confidentiality of such information. The Authority also reserves the right to redact or remove from such records any information that was received in confidence, sensitive information, information that would be detrimental to the best interests of the public, or information that the Authority reasonably believes may be deemed personal, nonpublic, confidential or proprietary by the parties referenced therein. In identifying information to be redacted or removed in accordance with the policy, Authority staff is authorized to exercise such discretion, including seeking the advice of legal counsel, as is required or permitted under applicable legal authority. The Authority shall maintain sufficient records to enable it to identify the information that was redacted or removed from a file prior to public inspection. It is the Authority's policy, however, that information should not be redacted or removed from records made available for inspection except as necessary in order to comply with the Authority's privacy policy.

### Notices

Requests to inspect records of the Authority or its Board of Directors should be directed to the Authority's Executive Director, or such other member of the Authority staff as the Executive Director may designate, at 7460 Halcyon Pointe Drive, Suite 200, Montgomery, Alabama 36117.