

**Alabama Open Records Act**  
Code of Alabama of 1975, Sections 36-1240 to 36-12-46

**§ 36-12-40. Rights of citizens to inspect and copy public writings; exceptions.**

(a) Every resident has a right to inspect and take a copy of any public record of this state, except as otherwise expressly provided by applicable law. Provided however, registration and circulation records and information concerning the use of the public, public school, or college and university libraries of this state shall be exempted from this section. Provided further, any parent of a minor child shall have the right to inspect the registration and circulation records of any school or public library that pertain to his or her child. Notwithstanding the foregoing, records concerning security plans, procedures, assessments, measures, or systems, and any other records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures, including without limitation information concerning critical infrastructure, as defined at 42 U.S.C. § 5195c(e), and critical energy infrastructure information, as defined at 18 C.F.R. § 388.113(c)(1), the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests of the public shall be exempted from this section. Any public officer who receives a request for records that may appear to relate to critical infrastructure or critical energy infrastructure information, shall notify the owner of such infrastructure in writing of the request and provide the owner an opportunity to comment on the request and on the threats to public safety or welfare that could reasonably be expected from public disclosure of the records.

(b) For purposes of this article, the judicial branch of state government and any office identified in Article VI of the Constitution of Alabama of 2022, are exempted from the requirements of Sections 36-12-43 through 36-12-45.

**§ 36-12-41. Copies of public records to be provided upon request and payment of fees.**

Every public officer having custody of a public record that a resident has a right to inspect shall provide him or her, on proper request as provided in this article, with a copy of the public record, on payment of a reasonable fee, as further provided in this article.

**§ 36-12-42. [Repealed]**

**§ 36-12-43. Public policy; definitions; applicability.**

(a) It is the policy of the state to promptly provide residents with the opportunity to inspect public records and to request a copy, subject to payment of reasonable fees and to appropriate protections for private, confidential, privileged, and other nonpublic information, and to the interest of the general public in having the business of government carried on efficiently and without undue interference.

(b) For purposes of this article, the following terms shall have the following meanings:

- (1) Business day. A day that the public officer's office is open to the public and conducting normal operations.

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(2) Public officer. A public officer or his or her designee responsible for responding to public records requests.

(3) Resident. An individual who is permanently domiciled in Alabama with an expectation to remain in Alabama as demonstrated by reasonable proof of residency such as, but not limited to, an Alabama driver license or voter registration.

(4) Standard request. A public records request that seeks one or more specifically and discretely identified public records that the public officer determines would take less than eight hours of staff time to process considering the time needed to identify and retrieve any responsive records and any time needed to redact or take other measures to withhold protected information. A standard request should require no or minimal clarification by the requester.

(5) Substantive response. A response to a proper public records request that sets forth the public officer's ultimate position on the substance of the request. The term includes, but is not limited to, the following, in whole or in part:

- a. A statement that the public records are provided as attached or enclosed.
- b. A statement that access to the requested public records will be provided at a set time, place, and location during regular business hours or at a time, place, and location mutually agreeable to the public officer and the requester.
- c. A statement that the public officer is prepared to provide the requested public records to the requester upon payment of a reasonable fee.
- d. A statement that denies the request with reasons stated therefor.
- e. A statement that denies the request on the grounds that the requested public record does not exist within the government agency. If known to the public officer, the public officer may identify the proper custodian or location for the requested public record.
- f. A statement that denies the request for failure to substantially complete a standard request form.
- g. A statement that denies the request for failure to substantially comply with the written procedures established by the public officer for such request.
- h. A statement that denies the request because the records sought are not public.

(6) Time-intensive request. A public records request that the public officer determines would take more than eight hours of staff time to process considering the time needed to identify and retrieve any responsive records and any time needed to redact or take other measures to withhold protected information.

(c) This article is not intended to, and does not, change or in any way affect any protections for private, confidential, privileged, or other nonpublic information provided under applicable law.

**§ 36-12-44. Duties of public officers; requests for public records; clarification or additional information; timing.**

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(a) A public officer shall respond to a standard request subject to each of the following provisions:

(1) The public officer may require the requester to submit his or her request using a standard request form or by following the written procedures for accepting requests for public records established by the public officer.

(2) The public officer may require the requester to pay a reasonable fee set by the public officer before the requester may receive any public records. If the public officer elects to charge a fee, the public officer shall notify the requester of the estimated fee and withhold any public records until receipt of payment. The requester may opt not to pay the fee and thus not receive any substantive response. Additionally, the public officer shall have the discretion to require the requester to pay all or a portion of the estimated fee prior to searching for any responsive public records.

(3) The public officer shall acknowledge a proper request within 10 business days of receiving the request.

(4) The public officer shall provide a substantive response fulfilling or denying a proper request within 15 business days of acknowledging receipt. Although the public officer may extend this period in 15-business-day increments upon written notice to the requester, the public officer should process a standard request as expeditiously as possible considering the requester's time constraints, the public officer's workload, and the nature of the request.

(5) There shall be a rebuttable presumption that a proper standard request has been denied by the public officer if:

a. A substantive response is not provided to the standard request within the earlier of 30 business days or 60 calendar days following acknowledgment of receipt by the public officer; or

b. The public records are not produced within the earlier of 30 business days or 60 calendar days following the payment of the estimated fees to the public officer.

(6) There shall be no presumption that a proper standard request has been denied if:

a. The request is not proper or the public officer is not obligated or required to respond as provided in this section;

b. The public officer has responded in part;

c. The public officer and requester have reached an agreement regarding the time or substance, or both, of the response;

d. Negotiations are ongoing between the public officer and the requester; or

e. The public officer has reasonably communicated the status of the request to the requester.

(b) A public officer shall respond to a proper, time-intensive request subject to each of the following provisions:

(1) The public officer shall require the requester to submit his or her request using a standard request form or by following the written procedures for accepting requests for public records established by the public officer.

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(2) The public officer shall require the requester to pay a reasonable fee set by the public officer before providing a substantive response to the requester. The public officer shall notify the requester in advance of any likely fees and shall withhold any substantive response until receipt of payment. Additionally, the public officer shall have the discretion to require the requester to pay all or a portion of the estimated fee prior to searching for any responsive public records.

(3) The public officer shall acknowledge the request within 10 business days of receiving the request.

(4) The public officer shall notify the requester within 15 business days after acknowledging receipt that the request qualifies as a time-intensive request. At that time, the public officer shall notify the requester of any likely fees and allow the requester to withdraw the time-intensive request and submit a new request that is not a time-intensive request. If the requester elects to proceed with a time-intensive request, the public officer shall provide a substantive response fulfilling or denying the request within 45 business days after the requester elected to proceed with his or her time-intensive request. The public officer may extend this period in 45-business-day increments by notifying the requester in writing.

(5) At or around the time of designating the request as time-intensive, the public officer shall make a record in a log maintained for keeping track of currently pending time-intensive requests. For each such currently pending request, the log shall identify the name of the requester and the date of acknowledgment pursuant to subdivision (3). The log shall be a confidential document that is not subject to disclosure pursuant to this article, provided the log may remain discoverable pursuant to proper discovery methods provided under applicable rules of procedure.

(6) There shall be a rebuttable presumption that a proper time-intensive request has been denied by the public officer if:

- a. A substantive response is not provided within the earlier of 180 business days or 270 calendar days following the requester's election to proceed with a time-intensive request.
- b. The records are not produced within the earlier of 180 business days or 270 calendar days following the payment of the estimated fees to the public officer.

(7) There shall be no presumption that a proper time-intensive request has been denied if:

- a. The request is not proper or the public officer is not obligated or required to respond as provided in this section;
- b. The public officer has responded in part;
- c. The public officer and requester have reached an agreement regarding the time or substance, or both, of the response;
- d. Negotiations are ongoing between the public officer and the requester; or
- e. The public officer has reasonably communicated the status of the request to the requester.

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- (c) A request made pursuant to this article shall identify the requested public record with reasonable specificity. A public officer shall not be obligated to respond to a public records request that is vague, ambiguous, overly broad, or unreasonable in scope.
- (d) A public officer shall not be required to create a new public record if the requested record does not already exist.
- (e) A public officer shall not be required to respond to requests that seek information or other materials that are not public records.
- (f) A public officer may request reasonable evidence to establish proof of residency. A public officer may respond to public records requests made by nonresidents, in which case, a public officer's decision to respond to such requests shall not operate as a waiver of the public officer's right to deny other or future requests made by nonresidents.
- (g) If a public officer responds to a request by seeking clarification or additional information, the timelines established in this section shall be tolled and shall restart once the public officer receives the requested clarification or additional information as if the requester had submitted a new request. A public officer's decision to seek clarification or additional information with respect to any particular request shall not operate as a waiver of the public officer's right to seek clarification or additional information in response to other, future requests.
- (h) Nothing in this article shall be construed to prohibit a public officer from processing a public records request in a manner that is less expensive or more prompt from the perspective of the requester.

**§ 36-12-45. Written procedures concerning public records; request form.**

- (a)(1) A resident may request access to a public record by following the written procedures for accepting such requests established by the public officer having custody of the public record. The written procedures may establish any of the following:
    - a. A standard request form for use in submitting a public records request.
    - b. A designee, such as a public records coordinator, to whom a public records request shall be addressed.
    - c. The permissible method or methods of transmitting a public records request.
    - d. Any other policies pertaining to the process for submitting a public records request.
  - (2) The public officer shall make his or her written procedures concerning public records reasonably available to the public.
  - (3) A public officer shall not be obligated to respond to a public records request that is not made pursuant to the public officer's written procedures.
  - (4) Written procedures need not be adopted as administrative rules pursuant to the Alabama Administrative Procedure Act.
- (b) In the absence of written procedures to the contrary, each of the following shall apply:

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(1) A resident may submit a public records request by delivering the request by hand or by mailing the request to the main office or principal place of business of the public officer having custody of the public record.

(2) Receipt of a hand-delivered public records request occurs when the request is received at the public officer's main office or principal place of business. Receipt of a mailed public records request occurs on the date of actual receipt by the public officer. A certified mail receipt or similar signed postage receipt shall be prima facie evidence of receipt by the public officer.

(3) The standard request form shall read substantially as follows, provided a public officer may require additional information or modify the order or format in which the information is requested:

“Requester’s contact information:

Name: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Street address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Agency you are requesting public records from: \_\_\_\_\_

Date of request: \_\_\_\_\_

Records requested: (Be as specific as possible. A public officer is not obligated to respond to a request that is vague, ambiguous, overly broad, or unreasonable in scope, nor is a public officer obligated to respond to a request that seeks records that do not exist or materials that are not public records. Additionally, extensive requests for public records may increase the fees to cover the administrative cost of searching and copying the requested records.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Payment of fees may be required before your request is fulfilled.

By submitting this request, you certify that you are an Alabama resident with standing to make a request for public records pursuant to Alabama law.”

**§ 36-12-46. Discovery proceedings.**

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Nothing in this article shall be construed to permit any party to a pending or threatened action, suit, or proceeding to obtain information regarding a matter relevant to the pending or threatened action, suit, or proceeding in lieu of the proper discovery methods provided under applicable rules of procedure.