

ALABAMA SURFACE MINING COMMISSION OPEN RECORDS REQUEST GUIDELINES

Alabama law provides every Alabama citizen a right to inspect and copy public records (Code of Alabama 1975, §36-12-40 and-41). Open Records Requests are accepted only from Alabama citizens. ASMC will not honor any Requests from parties outside the State of Alabama in compliance with Attorney General Opinion 2018-030 dated April 19, 2018, executed by Attorney General, Mr. Steve Marshall. The ASMC will consider Open Records Requests ONLY when the Requestor can answer “Yes” to all of the following statements:

- I am a Citizen of the State of Alabama.
- I have read and understand the Alabama Surface Mining Commission Public Records Guidelines
- I agree to pay the actual research costs as invoiced by the ASMC prior to the ASMC releasing the information requested
- I agree to pay an upfront research deposit if the ASMC deems the time and effort to complete the information request is extensive and more than nominal.
- I understand that the ASMC will refund in a timely manner any unused deposit funds. The amount invoiced and paid from the deposit will be only that amount related to the reasonable costs incurred by the ASMC in producing the documents.

POLICIES AND PROCEDURES

The Alabama Surface Mining Commission (ASMC) maintains the following policies and procedures regarding approved access to ASMC public records:

ON-SITE RESEARCH

- Members of the public may access the ASMC’s public records Monday through Friday between 8:00 a.m. and 4:30 p.m. Copies of the ASMC’s public records may be obtained during the same hours.
- Permit library activity is monitored and recorded via video cameras at all times.
- Information is available from hard copy files or via the public computer located in the library. *NOTE: Certain records in the possession of the ASMC may be deemed confidential by law and not available for public review, see note below for further information.*
- Visitors will be required to **PROVIDE PHOTO IDENTIFICATION** prior to inspection of requested documents, and **SIGN THE VISITORS LOG** with name and company affiliation.
- The ASMC may enforce reasonable limitations on the number of visitors inspecting and/or copying records at any one time so as not to disrupt the work of the ASMC employees.
- Visitors are to stay in the permit library at all times with the exception of taking restroom breaks; and are not to roam or visit employee offices or other work areas.
- Blank notebooks will be provided to permit library visitors. All other items are prohibited including, but not limited to briefcases, boxes, backpacks, notebooks, file folders or file pockets, other documents, etc. It is recommended that such items be left in your car as the permit library manager cannot be held responsible for safeguarding.
- Library visitors are required to fill out the FILE CHECKOUT AND CHECK-IN LIST prior to requesting the permit library manger to retrieve file(s) and after returning the file by placing it in the basket to be re-filed by the permit library manager. All information on the FILE CHECKOUT AND CHECK-IN LIST must be completed including the mine name and permit number reviewed.
- No food or drink is allowed in the permit room.

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- Visitors are expected to take due care in handling ASMC records and to return the records in the order and condition in which they were received.
- **UNDER PENALTY OF LAW, ASMC PUBLIC RECORDS ARE NOT TO BE REMOVED FOR ANY REASON FROM THE PERMIT ROOM.**
- Confidential Information - In accordance with State and Federal law some ASMC records may not be available for public access. Such records include, but are not necessarily limited to: certain production, financial, coal quality data or the like submitted by a license or permit applicant; identification of any complainant wishing to remain anonymous; information as to any active investigative or enforcement proceeding(s); and information pertaining to employees or applicants for employment of a confidential nature. A request to review any information deemed Confidential, may be made in writing to the ASMC Director for review. Any such request should clearly state the requestor's basis for claiming a right to access such confidential information.
- Associated costs for on-site information requests are included in Table 1. Payment is required prior to ASMC releasing the requested documents unless previously authorized for monthly billing.

OFF SITE INFORMATION REQUESTS:

In lieu of On-Site visits, Alabama citizens wishing to obtain copies of public records without visiting the public library can complete the fillable PDF request form available in the "Forms" section of the ASMC website at <https://surface-mining.alabama.gov> and email the completed form to asmc@asmc.alabama.gov, or hand deliver or mail the completed form to:

Open Records Request
Alabama Surface Mining Commission
P O Box 2390
Jasper, AL 35502

- Upon receipt, the ASMC will notify the Requester in the same method as the Request was received, whether or not the Request was approved.
- In some complicated or excessive Requests, a deposit based on reasonable estimated ASMC costs to research in the information Request will be required prior to work commencing. Any deposit received in excess of actual billed costs will be timely refunded after work is completed.
- Upon completion, an invoice will be prepared and submitted to the Requester. Upon receipt of payment, if not on a deposit on hand, the documents will be released to the Requester by mail or provided via electronic methods.
- Every effort will be made to provide public records within a reasonable time period. However, we have a limited staff whose primary responsibilities come first in order to honor our agency's mission. Therefore, do not expect immediate results. The time required for research depends on the complexity and extent of requested information.
- Should you have questions about this public records access policy or need further assistance accessing an ASMC public record, please direct any inquiry to the Legal Research Assistant at 205-221-4130 extension 232 or by email to asmc@asmc.alabama.gov. Please allow 48 hours to respond to your initial inquiry.
- The ASMC reserves the right to decline major research projects which would require significant time away from the employee(s) daily responsibilities. The ASMC is not set up to conduct large

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projects and, in this case, based on a review of the Request, you will be notified that arrangements will need to be made for an in-office visit to conduct research.

TABLE 1
Cost of Alabama Surface Mining Commission Public Records***

Item	Price Per Item
8.5 x 11 copy	\$ 1.00
8.5 x 14 copy	\$ 1.00
11 x 17 copy	\$ 1.25
18 x 24 copy	\$10.00 *
24 x 36 copy	\$20.00 *
30 x 42 copy	\$30.00 *
36 x 48 copy	\$40.00 *
Thumb Drive of Electronic Records	\$5.00
ASMC staff time for research and copies	\$50.00 per hour **
Postage and Handling	As assessed by the carrier

* An additional fee of \$5.00 per copy will be applied to copies of documents that are not obtained from the Alabama Surface Mining Commission

** Time for ASMC staff in excess of 15 minutes will be charged in 15-minute increments with a minimum 15-minute charge at \$12.50 per 15-minute increment.

*** Payment is required prior to receipt of requested documents unless previously authorized for monthly billing.