

DISID-DSS Standard Operating Procedure: Public Records Posting Guidelines

SOP Number: DSS-SOP-3J	Effective Date: August 2026 Review Date: Annually or as required by law
Title: Public Records Posting Guidelines Pursuant to 5 GCA § 10106	Approved By: Reuel C. Drilon, DSS Administrator Signature:  Date: <u>08/17/26</u> Michelle L.C. Perez, DISID Director Signature:  Date: <u>08-17-26</u>

1.0 Purpose

The purpose of this Standard Operating Procedure (SOP) is to establish uniform procedures for the Division of Support Services (DSS), Department of Integrated Services for Individuals with Disabilities (DISID), to comply with the Guam Sunshine Reform Act of 1999, including 5 GCA §§ 10103-10108, by ensuring timely public access to agency records through clear posting guidelines, standardized request procedures, lawful redaction, and release of all reasonably segregable nonexempt information.

2.0 Authority

This SOP is established pursuant to:

- 5 GCA Chapter 10 - Public Records
- 5 GCA § 10103 - Right of Inspection of Public Documents
- 5 GCA § 10104 - Electronic Communications
- 5 GCA § 10105 - Efficient Disclosure of Records
- 5 GCA § 10106 - Posting Guidelines
- 5 GCA § 10107 - Annual Report
- 5 GCA § 10108 - Limitation on Right of Inspection
- 5 GCA § 10110 – Purpose of Request Irrelevant
- 5 GCA § 10203 - Charges for Copying Government Documents
- Other applicable Guam and federal confidentiality laws governing protected information.

3.0 Scope

This SOP applies to:

- All DSS employees
- Program Coordinators
- Social Workers
- Administrative Support Staff
- Supervisors
- Contract personnel handling agency records
- Any employee responsible for responding to public records requests

4.0 Policy

DISID Division of Support Services is committed to transparency, accountability, and public access to government records while protecting confidential information required by federal and Guam law.

DSS shall make public records open for inspection during regular office hours and shall promptly provide copies in accordance with the deadlines and procedures in 5 GCA Chapter 10.

DSS shall release every reasonably segregable nonexempt portion of a record after redacting only the information protected by law. Each redaction or withholding shall cite the specific legal authority requiring or permitting nondisclosure.

A requester's purpose for seeking an otherwise disclosable public record shall not be used to limit access.

5.0 Public Records Request Information

Members of the public may make requests orally or in writing, including in person, by telephone, by mail, or by fax.

Department of Integrated Services for Individuals with Disabilities (DISID) Division of Support Services (DSS)

Mailing Address:

138 East Marine Corps Drive Jones & Guerrero Commercial Plaza
Suite C-102
Hagåtña, GU 96910

Telephone: (671) 475 -4624

Fax: (671) 477-2892

Email: dss@disid.guam.gov

Website: <https://disid.guam.gov>

Office Hours: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding Government of Guam holidays. Confirm these hours before publication.

A request need only reasonably describe identifiable records. A special form and an explanation of the requester's purpose are not required.

Requesters who need assistance, an accessible format, auxiliary aids, or communication support may contact DSS using the information above.

6.0 Public Records Available for Disclosure

Unless exempt by law, the following categories of records are generally available for public inspection, subject to review and any legally required redaction:

- Policies and Standard Operating Procedures
- Annual Reports
- Strategic Plans
- Public meeting notices
- Blank Public forms and applications intended for public distribution
- Survey reports and aggregated results after reviewing confidential or personally identifiable information
- Statistical reports after reviewing confidential information and disclosure risks associated with small data sets
- Program brochures
- Public outreach materials
- Public grant information
- Budget documents authorized for release
- Contracts available under Guam law
- Organizational charts
- Other administrative records not exempted from disclosure by law
- Annual public records reports required by 5 GCA § 10107

DSS shall maintain and publish categorized lists of disclosable and non-disclosable records as required by 5 GCA § 10106.

7.0 Records That May Be Exempt from Disclosure

Records or information that may be exempt from disclosure, in whole or in part, include the following when protected by 5 GCA § 10108 or another applicable law:

Client Information

- Individual case files
- Medical records
- Psychological evaluations
- Disability assessments
- Financial eligibility documentation
- Service plans
- Social Security numbers
- Personal identifying information

Personnel Records

- Employee medical information
- Personnel disciplinary files
- Performance evaluations
- Payroll records containing confidential information
- Background investigation records

Employee and public official names, salaries, and worksite mailing addresses are public records under 5 GCA § 10108(c).

Legal Records

- Attorney-client privileged documents
- Records pertaining to pending litigation in which DISID is a party, until the litigation is finally adjudicated or otherwise settled, as provided by 5 GCA § 10108(a)
- Records protected by court order

Procurement Records

Procurement records may be withheld only when, and for as long as, a specific provision of Guam procurement law or another applicable law prohibits disclosure. DSS shall identify the governing provision and release all nonexempt portions.

Federal Confidential Information

Information protected under applicable federal laws including, where applicable:

- Protected health information under HIPAA, where applicable
- Employee medical or disability-related information protected by applicable ADA confidentiality provisions, where applicable
- Vocational rehabilitation personal information protected by 34 C.F.R. § 361.38, where applicable to the record or program
- Other applicable federal privacy laws

8.0 Procedures for Requesting Records

Step 1 – Submission

A requester may submit a request:

- Orally, including in person or by telephone (“An agency shall treat an electronic mail request for public records the same as it treats paper and oral requests for records.”

5 GCA §10014(a)

- In person
- By mail
- By email
- By fax

The request should include:

- Requester's name
- Contact information sufficient to deliver the response, if the requester wants records sent rather than inspected in person
- Description of the requested record
- Preferred delivery method

A requester is not required to use a special form or explain the purpose of the request.

Step 2 – Receipt of Request

The designated DSS Records Custodian shall:

- Record the exact date and time the request was received
- Assign a tracking number
- Log the request into the Public Records Request Log
- Immediately notify the DISID Director or designee and assign the request to an employee for fulfillment or response, consistent with 5 GCA § 10105
- Calculate and record the four-working-day response deadline (“Each agency, upon a request for a copy of public records shall, within four (4) working days from receipt of the request, comply with the request if the records requested are disclosable public records in the possession of the agency.” - 5 GCA § 10103(d))

Step 3 – Review

- The Records Custodian shall determine:
- Whether DSS possesses the requested record;
- Whether the record is public;
- Whether exemptions apply;
- Whether legal review is necessary.
- Whether the record contains reasonably segregable nonexempt portions that must be released
- Whether the requested format is readily reproducible by DSS
- Whether unusual circumstances under 5 GCA § 10103(e) permit a written extension

Step 4 – Response

Within four (4) working days after receipt, DSS shall provide disclosable records or issue a written response citing the specific legal basis for any redaction or withholding.

The requester shall receive:

- The requested records;
- If unusual circumstances defined by 5 GCA § 10103(e) apply, written notice from the DISID Director or designee extending the period by up to ten (10) days, including Saturdays, Sundays, and legal holidays, and stating the reason and expected response date;
- A written explanation citing the specific legal exemption for each redaction or withheld record; or
- Notification that the requested records do not exist or are not maintained by DSS.

When a record contains exempt and nonexempt information, DSS shall redact only the exempt information and release the remaining portions.

DSS shall provide records in the requested form or format when they are readily reproducible in that form or format.

Step 5 – Fees

- For ordinary paper copies, DSS may charge no more than ten cents (10¢) for the first page and two cents (2¢) for each additional page, or DSS may waive the fee, consistent with 5 GCA § 10203.
- Electronic records shall be provided electronically, or in another requested format, whenever they are readily reproducible in that format.
- Copies of these posting guidelines shall be provided free of charge upon request.
- No copying fee shall be charged to another Government of Guam branch, department, agency, or member of I Liheslaturan Guåhan when records are requested in an official capacity.

Step 6 – Closeout

The Records Custodian shall document the response date, records provided, format, fees, exemptions cited, extension notices, and final disposition in the Public Records Request Log before closing the request.

9.0 Posting Requirements

In compliance with 5 GCA § 10106(a), DSS shall:

1. Post these guidelines in a conspicuous public area within DSS offices.
2. Provide printed copies free of charge upon request.
3. Publish these guidelines on the DISID website.
3. Maintain an updated list of:
 - a. Public records
 - b. Non-disclosable records
4. Review postings annually.
5. Make the guidelines and categorized lists available electronically in an accessible format.

6. Update the posting promptly when contact information, responsible officials, applicable law, or record categories change.
7. Ensure the standalone public notice in Appendix B includes complete request and accommodation information.

10.0 Compilation of Non-Disclosable Records

The DSS Administrator or designated Records Custodian shall:

- Maintain a categorized list of records considered non-public under 5 GCA § 10108.
- Coordinate with DISID administration and legal counsel for updates.
- Submit revisions for legislative approval when required by law.

11.0 Responsibilities

DSS Administrator

- Ensures agency compliance.
- Approves revisions.
- Designates the Records Custodian.
- Ensures preparation and electronic publication of the annual report required by 5 GCA § 10107.

Records Custodian

- Receives requests.
- Maintains records log.
- Coordinates responses.
- Ensures timely processing.
- Maintains posted guidelines.
- Records statutory deadlines and sends required notices.
- Ensures that redactions and denials cite specific applicable legal authority.
- Maintains documentation needed for the annual public records report.

Supervisors

- Ensure staff compliance.
- Protect confidential records.
- Coordinate retrieval of requested records.

Employees

- Safeguard confidential information.
- Refer all public records requests to the designated Records Custodian.
- Do not independently release records without authorization.
- Immediately notify the Records Custodian of any oral, emailed, mailed, or faxed public records request received by the employee.

Legal Counsel

- Reviews proposed exemptions, redactions, denials, and extension notices when legal review is necessary.
- Advises DISID regarding the legislative submission and approval status of its non-disclosable record list.

12.0 Records Retention

All public records requests, responsive correspondence, released records, redaction copies, extension notices, fee records, and log entries shall be maintained in accordance with the current Government of Guam Records Retention Schedule and any applicable litigation hold, audit hold, or other legal preservation requirement.

The Records Custodian shall identify and document the applicable retention-schedule series and current schedule version.

13.0 Training

All DSS employees shall receive orientation regarding:

- Public Records Law
- Confidentiality requirements
- Protected information
- Records management
- Procedures contained within this SOP
- Four-working-day response deadlines and permitted extensions
- Segregability, redaction, and citation of specific exemptions
- Accessible formats and assistance for requesters with disabilities

Training shall occur upon hire, at least annually thereafter, and whenever a material change in law or this SOP takes effect.

14.0 Monitoring and Compliance

The DSS Administrator shall periodically review compliance with this SOP through:

- Records request log reviews
- Internal audits
- Website review
- Verification of posted public notices
- Verification of the accuracy of addresses, phone numbers, email addresses, office hours, approving officials, and accessibility information
- Review of response times, extension notices, redactions, legal citations, fees, and annual reporting

15.0 References

- 5 GCA Chapter 10 – Public Records
- 5 GCA § 10103 – Right of Inspection of Public Documents
- 5 GCA § 10104 – Electronic Communications
- 5 GCA § 10105 – Efficient Disclosure of Records
- 5 GCA § 10106 – Posting Guidelines
- 5 GCA § 10107 – Annual Report
- 5 GCA § 10108 – Limitation on Right of Inspection
- 5 GCA § 10110 – Purpose of Request Irrelevant
- 5 GCA § 10203 - Charges for Copying Government Documents
- Applicable federal confidentiality laws and regulations, including 34 C.F.R. § 361.38 where applicable
- DISID Policies and Procedures

Appendix A – Public Records Request Process

Request Received

1. Record exact receipt date and time; four-working-day response period begins.
2. Records Custodian Logs Request
Immediately notify the Director or designee, assign the request, and calculate the deadline.
3. Review for Availability
4. Determine Public or Exempt Status
Identify and release all reasonably segregable nonexempt portions; cite the specific legal basis for each redaction or withholding.
5. Legal Review (if necessary)
If unusual circumstances under 5 GCA § 10103(e) apply, issue a written extension notice stating the reason and expected response date.
6. Provide Records or Written Response
Respond within four working days unless a lawful extension applies; provide the requested format when readily reproducible.
7. Document Completion and Close Request
Record the response, records released, redactions, legal citations, fees, extension notices, and final disposition in the log.

Appendix B – Public Notice

PUBLIC RECORDS REQUESTS

The Division of Support Services (DSS), Department of Integrated Services for Individuals with Disabilities (DISID), provides access to public records in accordance with 5 GCA Chapter 10.

Requests may be made orally or in writing, including in person, by telephone, mail, email, or fax. A request need only reasonably describe the identifiable records sought; no special form or explanation of purpose is required.

Submit requests to:

DISID-DSS, 138 East Marine Corps Drive
Jones & Guerrero Commercial Plaza, Suite C102
Hagåtña, GU 96910
Telephone: (671) 475-4624
Fax: (671) 477-2892; Email: dss@disid.guam.gov
Website: <https://disid.guam.gov>

DSS generally must provide disclosable records or issue a written response within four (4) working days after receipt. A limited written extension may be issued only in the unusual circumstances defined by 5 GCA § 10103(e).

When a record contains protected and public information, DSS will redact only the protected information and release the reasonably segregable nonexempt portions. Each redaction or withholding will identify the applicable legal authority.

Copies of these guidelines are available free of charge. Other copying fees, if assessed, will not exceed the amounts authorized by Guam law.

Requesters who need assistance, an accessible format, auxiliary aids, or communication support may contact DSS using the information above.