

Chapter 9

Procedures, Fees, Costs, and Charges for Inspecting, Copying and Producing Public Records

Section 1. Authority. These rules are promulgated under the Department of Administration and Information's rule-making authority established by W.S. 16-4-204(e).

Section 2. Purpose. The Department of Administration and Information hereby establishes uniform procedures, fees, costs, and charges for inspection, copies, and production of public records.

Section 3. Definitions.

(a) "Applicant" is the person that is making the public records request.

(b) "Clerical/support staff" are employees who generally perform office or administrative support duties. Clerical/support staff employees include secretaries and administrative assistants.

(c) "Electronic public record" is a public record that is primarily or solely stored in an electronic format. Typically, the custodian will only be able to produce a copy of the original electronic public record due to the native format, security, and integrity of the original data or electronic record.

(d) "Information technology staff" are employees who perform duties relating to retrieving, compiling, constructing, formatting, or extracting electronic public records located on computer systems, software, servers, or networks. Information technology staff employees may also perform computer programming or other computer services relating to electronic public records.

(e) "Professional staff" are employees who are not clerical/support or information technology staff as defined herein. Professional staff employees perform administrative, managerial, or professional duties.

(f) "Supervise copying" as stated in section 5(b)(viii) occurs if someone other than the custodian is allowed under W.S. 16-4-204(b) to make copies, printouts, or photographs. Under W.S. 16-4-204(b), the custodian is authorized to charge a reasonable fee to supervise the copying, printing out, or photographing if someone other than the custodian makes the copies, printouts or photographs. The supervision fee shall be the hourly rates stated in section 4(c)(i) through (iii). For instance, if clerical/support staff is required to supervise the copying, printing out, or photographing, the hourly rate will be \$15.50.

Section 4. Electronic Public Records.

(a) Production and Construction Costs. Under W.S. 16-4-202(d)(i), a custodian shall charge an applicant the reasonable costs of producing and constructing a copy of an electronic public record for inspection and copying. This cost may include, but is not limited to, the time spent retrieving, compiling, sorting, reviewing, redacting, formatting, converting, or copying the electronic public record, as well as activities required to create or construct a new electronic public record from existing data sources and all associated programming and computer services.

(b) Minimum Requirement to Charge Costs. Production and construction costs will be charged only if they exceed \$180.00. If the costs exceed \$180.00, the initial \$180.00 will be a credit and not charged to the applicant. If electronic production and/or construction costs for a request total \$180.00, the applicant will not be charged any costs for production and/or construction of said electronic records. If, for example, the production and/or construction costs for a request total \$200.00, the applicant will be charged \$20.00. The initial \$180.00 is a credit upon the total amount charged for the production and/or construction of electronic records. Applicants may not use multiple record requests to evade this \$180.00 threshold. The custodian has discretion to consolidate public records requests that he or she reasonably believes have been drafted and submitted to evade this \$180.00 threshold.

(c) Production and Construction Costs. Production and construction costs for electronic public records shall be as follows:

(i) \$15.50/hour for clerical staff time.

(ii) \$30.00/hour for information technology staff time.

(iii) \$40.00/hour for professional staff time.

(iv) Actual cost of programming and computer services.

(d) Payment. The custodian must provide the applicant with an estimate of the reasonable costs of production and construction of the electronic public records. The applicant must pre-pay the estimated costs before the custodian produces or constructs the electronic public records or provides any copies for inspection. Payment shall be made to the custodian. If the custodian reaches the limit of the payment by the applicant, the custodian will produce the records that are ready and available at that point and will provide an additional estimate pursuant to this subsection prior to continuing with the request.

(e) Refund. If a custodian estimates and receives costs exceeding the actual time required to produce and construct the electronic public records, the custodian shall refund the excess charge received at the same time that he allows the applicant to inspect the electronic public records.

(f) Inspection. The custodian shall notify the applicant in writing when copies of the electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(g) Request Priority. Requests that are at or below the \$180.00 threshold will be handled expeditiously by the custodian and will take priority over other public record requests that are above the threshold.

(h) Costs for Producing Copies. The fee schedules described in Section 5(b), (d), and (e) apply to electronic public records.

Section 5. Non-Electronic Public Records.

(a) Inspection. The custodian shall notify the applicant in writing when copies of the non-electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(b) Fees for Copying Non-Electronic Public Records. Under W.S. 16-4-204, an applicant may obtain a paper copy of a non-electronic public record upon payment as follows:

(i) Standard (8.5 by 11 inch) - Black and White Copy. - \$0.10/page

(ii) Standard (8.5 by 11 inch) - Colored Copy. - \$0.60/page

(iii) Legal (8.5 by 14 inch) - Black and White Copy. - \$0.25/page

(iv) Legal (8.5 by 14 inch) - Colored Copy. - \$1.00/page

(v) Other sheet size. - Actual Cost

(vi) Photograph. - Actual Cost

(vii) Utilization of an outside vendor for copying. - Actual Cost

(viii) Custodian's fee to supervise copying. - See section 4(c)(i) through (iii)

(ix) Special instances, i.e. film. - Actual Cost

(c) Payment. The applicant shall pre-pay the fees in section 5(b) before the custodian provides the copies, if requested. Payment shall be made to the custodian.

(d) Costs for Producing Electronic Copies. An applicant may obtain an electronic copy of a non-electronic public record upon payment as follows:

(i) Scanning non-electronic public records. - \$0.10/page

(ii) Electronic Media (disk, thumb drive, etc.). - Actual Cost

(e) Fees for Transmitting Public Records. The custodian may charge the following fees for transmitting non-electronic public records:

(i) Mailing, including cost of the shipping container. - Actual Cost

(ii) Facsimile. - Actual Cost