

## 1200-R Public Records

### 1. 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 District 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" occurs if someone other than the District is allowed under W.S. 16-4-204(b) to make copies, printouts, or photographs. Under W.S. 16-4-204(b), the District is authorized to charge a reasonable fee to supervise the copying, printing out, or photographing if someone other than the District makes the copies, printouts or photographs. The supervision fee shall be the hourly rates stated in section 2(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.

### 2. Electronic Public Records:

- a. Production and Construction Costs – Under W.S. 16-4-202(d)(i) the District 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 sources and all associated programming and computer services.

- b. Minimum Requirements to Charge Costs - Production and construction costs will be charged only if they exceed \$10.00 ("the base"). If the costs exceed the base, only the amount over the base will be charged to the applicant. If electronic production and/or construction costs for a request are less than or equal to the base, the applicant will not be charged any costs for production and/or construction of said electronic records. The base 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 the base threshold. The District has the discretion to consolidate public records requests that it reasonably believes have been drafted and submitted to evade the base 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.
  - v. Actual cost of necessary legal fees incurred to review documents to ensure protection of information that is classified as confidential by law.
  
- d. Payment – The District 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 District produces or constructs the electronic public records or provides any copies for inspection. Payment shall be made to the District. If the District reaches the limit of the payment by the applicant, the District 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 the District estimates and receives costs exceeding the actual time required to produce and construct the electronic public records, the District shall refund the excess charge as soon as possible.
  
- f. Inspection – The District 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 District provides notification to come to the District's designated location to inspect the records. After the one-month time period, the request shall be officially closed.
  
- g. Costs for Producing Copies – The fee schedules described in Sections 3 (b), (d), and (e) apply to electronic public records.

### 3. Non-Electronic Public Records:

- a. Inspection – The District 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 District provides notification to come to the District'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. \$0.10/page for standard (8.5 x 11 inch) black and white copy.
  - ii. \$0.60/page for standard (8.5 x 11 inch) colored copy.
  - iii. \$0.25/page for legal (8.5 x 14 inch) black and white copy.
  - iv. \$1.00/page for legal (8.5 x 14 inch) colored copy.
  - v. Actual cost of other sheet size.
  - vi. Actual cost of photograph.
  - vii. Actual cost of utilization of an outside vendor for copying.
  - viii. Actual cost of District's fee to supervise copying. (see Section 2 c, i-iii)
  - ix. Actual cost for special instances, i.e., film.
- c. Payment – The applicant shall pre-pay the fees in Section 3(b) before the District provides the copies, if requested. Payment shall be made to the District.
- 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
  - ii. Electronic media (disk, thumb drive, etc.)
- e. Fees for Transmitting Public Records – The District may charge the following fees for transmitting non-electronic public records:
  - i. Mailing, including cost of the shipping container
  - ii. Facsimile

ADOPTION DATE: February 26, 2019

LEGAL REFERENCES: Freedom of Information Act; Wyoming Public Records Act  
W.S. 16-4-201 through 16-4-205

CROSS REFERENCE(S): 1200, Public Records

ADMINISTRATIVE REGULATION: