

**PINAL COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

**Subject: PUBLIC RECORD REQUEST POLICY AND PROCEDURES**

**Date: June 07, 2018**

**Pages: 1 of 4**

**PURPOSE:** It is the policy of the Community Development Department to comply with all County, State of Arizona, and Federal laws and regulations regarding the release of public records. Public records in the custody of the Community Development Department are open to inspection by any person at all times during regular office hours (8:00 a.m. to 4:30 p.m. Monday-Friday). However, please be aware that the County may deny inspection of certain records if they are made confidential by State or Federal law, or involve the privacy interests of persons, or if disclosure would be detrimental to the best interests of the County.

**Also see:**

**Pinal County Policy and Procedure 2.85 Cost Recovery for Release of Public Data  
Pinal County Policy and Procedure 2.95 Responding to Requests for Public Records**

**Requests for Public Records for a Non-Commercial Purpose**

Please submit request for inspection or copies of public records in writing on a Public Records Request Form which is available on the Community Development website at <http://pinalcountyz.gov/CommunityDevelopment/Pages/home.aspx> with adequate and detailed information. The County is not responsible for creating new documents or generating reports in response to non-specific requests.

Requests for copies of public records for a non-commercial purpose will be processed **in a reasonable amount of time**, unless the request is for an unusually large number of records. The Community Development Department will charge a reasonable fee to cover reproduction and material expenses.

**Requests for Public Records for a Commercial Purpose**

Requests for public records to be used for commercial purposes must be accompanied by a statement of that purpose, with a notary affidavit. These requests will be sent to the appropriate designee for verification and authorization; please allow extra time for processing. The Arizona Revised Statutes §39-121.03 (D) defines a commercial purpose as:

- Sale or resale.
- Producing a document containing all or part of the copy, printout or photograph for sale.
- Obtaining names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation.

- Any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.

Cost and market value of records procedure for commercial purpose shall be determined per ARS § 39-121.03(A)(1)(2)(3). The charge for which shall include the following:

- A portion of the cost for obtaining the original or copies of the document.
- A reasonable fee for the cost of time, equipment and personnel necessary for the reproduction.
- The value of the reproduction on the commercial market as determined by the department responding to the request.

***It is a violation of the public record law to:***

- Obtain a public record for a non-commercial purpose and use it for a commercial purpose.
- Obtain a public record for a commercial purpose and use it for a different commercial purpose.

**Requests for Public Records That May be Protected Under Copyright Law**

The Community Development Department requires customers to submit building plans and specifications for review in order to receive permits for construction. It is important to understand that the Community Development Department is not the owner of these public records, but rather the custodian. Documents are available for **viewing only** during regular office hours (8:00 a.m. to 4:30 p.m., Monday – Friday). ***Reproduction of copyright document will require the copyright owner’s written permission with notary verification.***

**In-person review**

There is no cost for in-person review of public records during regular office hours of Monday to Friday from 8:00 a.m. to 4:30 p.m. however, it will be up to the discretion of each division representative if an appointment must be made with the Community Development Department in order to review the records.

**Paper Document**

The applicable fees for reproduction and material will be charged for all paper document.

**Electronic Document**

There is no cost for reproduction for records in electronic form when transmitted through electronic mail (email). If a request is made to convert document into an electronic document, per page reproduction fee will be charged. If the electronic document is too large to exchange through email, the electronic document may be transferred to a Compact Disk (CD). In such cases, a CD fee will be charged.

**Postage**

If the request requires the mailing of records, the Community Development Department will notify the requester of additional postage and handling fees. The applicable United

States Postal Service shipping and handling cost will be added charges for records that are requested to be mailed.

### **Website**

If requested records are available on the county's website at [www.pinalcountyz.gov](http://www.pinalcountyz.gov), the records have already been made available to the public free of charge. The county will not provide paper copies of records that are already available on the County's website.

### **Payment**

All fees charged for reproduction, material, personnel time, equipment, and postage must be paid prior to release of the public records. Payment can be made by cash, credit card, or check or money order payable to Pinal County.

### **Timing of Public Records Request**

The Community Development Department will make every effort to provide access to and/or copies of public records in a reasonable amount of time. However, depending on the volume or age of the records requested, more time may be required. If a request is expected to be delayed, Community Development Department will notify the requester in writing, email, or by telephone. Delays may be caused by the amount of staff time necessary to handle large volumes of records.

### **Note regarding Reports and Data**

The Community Development Department frequently receives requests for reports or the compilation of data believed to be held by the Community Development Department under the guise of a public records request. It is the Community Development Department's policy to make all public records available for inspection or reproduction; however, the Community Development Department is not required to prepare documents and materials in response to a request.

### **Legal Review**

In some cases, records may be required to undergo a legal review prior to the release or review of materials by the public in order to avoid disclosure of information protected by statute. Certain confidential personal or financial information may be redacted prior to distribution. In the event that the Community Development Department concludes that a request includes information protected from disclosure, the Community Development Department will provide a written response to the requester that identifies the materials withheld or redacted and explain the information is protected from disclosure.

### **Procedure:**

1. To request a public record, simply fill out the Public Records Request Form in full, print it out, sign it and mail, email, or fax to:

Pinal County  
Community Development Department  
Customer Service Division  
PO Box 2973

Florence, AZ 85132  
Phone: (520) 866-6442  
Fax: (520) 866-6530  
Email: [DSPublicRecordsRequest@pinalcountyz.gov](mailto:DSPublicRecordsRequest@pinalcountyz.gov)

2. After processing the Public Records Request Form, the Customer Service Division will route the request to the appropriate Department or Division designee.
3. The designee will make an initial review/determination of whether the request is for a commercial or non-commercial purpose. This review includes but not limited to whether the requestor indicates the purpose is commercial on the Public Record Request Form.


**Note:** It is common for the requestor to believe the request is commercial in nature when legally it is not.

4. If the record request is made for a non-commercial purpose and/or the designee is uncertain to the nature of the request, the request will be reviewed by the Pinal County Attorney's Office who will make a determination.
5. If the record request is made for a commercial purpose and/or the designee is uncertain, the request will be reviewed by the Pinal County Attorney's Office who will make a determination based upon the criteria set forth in **Star Pub. Co. v. Parks, 178 Ariz. 604, 875 p.2d 837 (app. 1993) and Primary Consultants LLC v. Maricopa County Recorder, 210 Ariz. 393, 111 P.3d 435 (App. 2005).**

For questions on Arizona Public Records Law or to file a complaint, please contact: Arizona Ombudsman Citizens' Aide, 3737 N. 7th Street, Suite 209, Phoenix AZ 85014, Phone (800) 872-2879, Fax (602) 277-7312 or website at <http://www.azoca.gov/>

**AUTHORITY:**

This policy is used under the administrative authority granted to the Department Director under the provisions of Policies 2.85 and 2.95 of the Pinal County Policy and Procedure.



Issued by: \_\_\_\_\_  
Himanshu Patel  
Community Development Director

Date: 06/07/2018

**ATTACHMENTS:**

**REPRODUCTION, EQUIPMENT, AND MATERIAL FEE SCHEDULE  
PUBLIC RECORD REQUEST FORM**



**REPRODUCTION, EQUIPMENT, AND MATERIAL FEE SCHEDULE**

ARS 11-251.08  
October 20, 2015

DESCRIPTION	FEE	QUANTITY*
<b>Black &amp; White</b>		
Up to 8 1/2" x 14"	\$0.25	per page
11" x 17"	\$0.50	per page
24" and larger	\$10.00	per page
<b>Color</b>		
Up to 8 1/2" x 14"	\$0.50	per page
11" x 17"	\$2.00	per page
24" x 36"	\$15.00	per page
Larger than 24" x 36"	\$25.00	per page
<b>Compact Disc (CD)</b>	\$5.00	per disk
<b>Mail</b>		
Postage	USPS First-Class Mail Rate	
Handling	\$1.00	per package
<b>Facsimile</b>		
First Page	\$1.00	
All pages thereafter	\$0.50	
*front and back copies equal 2 pages		

COMMUNITY DEVELOPMENT



# Public Records Request Form

Pinal County complies with the provisions of Title 39 of the Arizona Revised Statutes, also known as the Public Records Act. Individuals requesting copies of such information must sign and complete the Public Records Request Form. Pinal County will process the request in a prompt manner taking into consideration possible extensive archiving and/or handling by various personnel and departments.

**Submit to:** Pinal County, Community Development Department, P.O. Box 2973, 31 North Pinal Street, Florence, Arizona 85132, Phone: (520) 866-6442, Fax: (520) 866-6530,  
**Email:** [DSPublicRecordsRequest@pinalcountyz.gov](mailto:DSPublicRecordsRequest@pinalcountyz.gov)

Name of Requesting Party: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

I request that the Pinal County Development Services: **[check appropriate box]**

- Provide a copy or other reproduction of the following public records:
- Schedule an appointment to review the following:

**Note: Be specific, provide as much information as possible (name of property owner or business, location, such as address or parcel # with Township, Range and Section, or zoning case #).**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please feel free to attach any further details, maps, drawings, etc.*

Are records to be used for Non-Commercial purposes? If yes, please check box for confirmation and sign below.

Non-Commercial Only \_\_\_\_\_  
Requesting Party's Signature Date

### Verified Statement of Commercial Purpose

If the records are to be used for commercial purposes please specify: \_\_\_\_\_  
\_\_\_\_\_

I have indicated above that the reproductions of the public records which I have requested are to be used for commercial purposes, I declare that the reproductions will be used solely for the purpose described above and that the reproductions will not be used directly or indirectly for a different purpose than described above. I declare under penalty of perjury that the foregoing is correct and true.

\_\_\_\_\_  
Requesting Party's Signature Date

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public \_\_\_\_\_

**For Internal Use Only**

- Air Quality
- Community Development
  - Aquifer Protection
  - Building Safety
  - Civil Hearing Office
  - Code Compliance
  - Planning
- Public Health
- Public Works
- Other \_\_\_\_\_

Date Routed to Dept.: \_\_\_\_\_  
To whom was it routed: \_\_\_\_\_  
Request completed by: \_\_\_\_\_  
Number of pages: \_\_\_\_\_  
Date to customer: \_\_\_\_\_  
**DUE DATE:** \_\_\_\_\_  
**AMT RCVD:** \_\_\_\_\_  
**RECEIPT NO:** \_\_\_\_\_  
**INFO PROVIDED:** \_\_\_\_\_  
**PRR #** \_\_\_\_\_