

**Subject:** COST RECOVERY FOR RELEASE OF PUBLIC DATA

**Date:** April 2, 2003

**Pages:** 1 of 3

**Replaces Policy Dated:** N/A

**PURPOSE:** This Administrative Procedure sets forth County Policy for responding to public information requests, defines commercial requests and provides for cost recovery to the County. County employees responsible for maintaining official records are required to comply with this policy and Arizona law to protect the public's right to information.

**DEFINITIONS:**

A. Commercial Purpose: The use of a public record for the purpose of:

1. Sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale, or
2. Obtaining of names and addresses from such public records, for the purpose of solicitation, or
3. Monetary gain from the direct or indirect use of the public record.

Commercial purpose does not include use of public records as evidence or research in a judicial or quasi-judicial action in Arizona, or the publication of all or a portion of a public record in a newspaper for its news value.

B. HIPAA: Health Insurance Protection and Accountability Act.

C. Officer: Any person elected or appointed to hold any elective or appointive County office and any chief administrative officer, head, director, superintendent or chairman of any County office.

D. Person: Includes corporations, associations, societies, organizations and individuals.

E. Other Matters: Includes any written records kept by an officer in the course of official business whether or not the records are required by law or are otherwise considered to be public records.

F. Public Record: All books, papers, maps, photos and documentary materials produced or kept by a public official in pursuance of a duty or to document the activities of a public body.

**PROCESS:**

A. Public records and other matters in Pinal County offices are presumed to be open for public inspection and shall be open to inspection at all times during office hours with the following exceptions;

1. Release of information is not required where prohibited by Federal or Arizona law or court order.
2. Release of information is not required where individual privacy rights apply, e.g., home address, telephone number, age, background information, and health information protected by HIPAA.
3. Release of information may not be required where the information is otherwise confidential.
4. Release of information may not be required where release would not be in the best interest of the County, e.g., materials related to an ongoing investigation where disclosure of the materials would harm the investigation.

- B. Any person may request to examine or be furnished copies of any public record during regular office hours.
1. The custodian of the record being requested shall require that the request be in writing.
  2. In response to a public records request the County will provide data that is maintained in the format in which it is kept. The County is not required to create a record to meet a public record request nor is it required to obtain new data, perform research, or create new report formats.
- C. Unless required by State or Federal law, requests for electronic access to County database shall require approval of the County Manager. When a data base is placed on an Internet site the responsible department shall notify the County Manager.
- D. Unless required by State or Federal law, release of copies of County data bases requires the approval by the County Manager.
- E. Departments shall bring all legal questions or concerns related to a request for inspection of records to the Civil Division of the County Attorney's Office.

**COST RECOVERY:**

- A. Noncommercial public records requests are made in writing either through the use of a Verified Statement of Non-Commercial purpose or otherwise. County officials responding to noncommercial public records requests may allow oral requests where appropriate. Unless otherwise provided by statute, the County may recover the cost of reproduction which includes:
1. Cost of materials (paper, diskettes, CDS, etc.)
  2. Cost of the machinery to do the reproduction, and/or
  3. Cost of labor to make copies
- B. Commercial public records requests are made in writing through the use of a Verified Statement of Commercial Purpose. The County shall recover the following costs:
1. A portion of the cost for obtaining the original or copies of the document,
  2. A reasonable fee for the cost of time, equipment and personnel necessary for the reproduction, and
  3. The value of the reproduction on the commercial market as determined by the department responding to the request.
- C. No County employee can demand or receive a fee or compensation for issuing certified copies of public records or for making a search for them, when they are to be used in connection with a claim for pension, allotment, allowance, compensation, insurance or other benefits which are to be presented to the United States or a bureau or department thereof.

**FORMS:**

The attached forms are to be used when making public records requests:

- Verified Statement of Non-Commercial Purpose
- Verified Statement of Commercial Purpose

**DEPARTMENTAL RESPONSIBILITY:**

Each department is responsible for establishing a Release of Public Records process consistent with this policy. The process shall provide for maintaining and releasing public records and other matters, and for the method of determining the cost of reproducing records in response to a request. The standard reproduction charge for County departments shall be \$0.25 per page. Departments may also establish their own rates for copies of standard Public Records, such as police reports, and for complex reproduction requests, which may require the manipulation of data, a change in media type, or other time consuming actions.