

SALT LAKE COUNTY
COUNTYWIDE POLICY
ON
GRAMA FEES FOR DUPLICATION OF RECORDS

Reference –

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Sections 63G-2-201 & 63G-2-203

Records Management, Salt Lake County Ordinance, Subsection 2.82.140C

Salt Lake County Code of Ordinances, Chapter 3.42, 1993

Salt Lake Countywide Policy #1062

Purpose and Authority --

It is Salt Lake County's intent to recognize the public's right of access to information concerning the conduct of the public's business; and to promote the public's right of easy and reasonable access to unrestricted public records without regard for the citizen's ability to pay for information. Certain records, by nature of the information they contain, will be distributed to the public free of charge. Examples of such records include copies of proposed budgets, long range financial plans, and other documents produced by Salt Lake County for the purpose of keeping citizens informed of the public's business.

Salt Lake County further intends to specify most conditions under which the public good may be best served by allowing restrictions on free (no cost) access to copies of records and by providing guidelines for the fair application of any fees for copies of government records.

Salt Lake County creates and maintains many types of county records and has chosen to protect such records as may constitute intellectual property by means of applicable copyright and patent laws.

1.0 Definitions

1.1 Actual Cost of Duplicating Records - other than paper-to-paper photocopying means the actual direct costs associated with duplicating a record, and shall be limited to copier machine costs, maintenance costs, costs for paper and supplies, and costs for duplicating electronic records.

1.2 Actual Cost of Compiling a Record - in a form other than that maintained by the agency means:

1.2.1 the direct labor costs incurred in searching records to supply the requested compilation, and in segregating any non-public data from the requested compilation, if segregation requires a significant expenditure of county resources, and

1.2.2 the actual incremental costs associated with transferring the record into another format copying the record for the requestor and, recompiling electronic information, or providing the data in a user-defined format, and

- 1.2.3 any other reasonable costs (including labor) associated with searching or editing records to compile them in the requested form.
- 1.3 Certified Copy - means a copy of a document or record signed as a true copy by the officer in whose custody the original is entrusted.
- 1.4 Council - refers to the Salt Lake County Council.
- 1.5 GRAMPA (Government Records Access Management and Policy Administration) - refers to the GRAMPA Committee - see Countywide Records Policy and Procedure 2120, GRAMA.
- 1.6 Research Fee – a basic fee may be charged by agencies to conduct in-depth research, compilation and redaction for records requests.
- 1.7 Reproduction Costs – the cost incurred by the county agency to duplicate the record, either in-house or by an outside vendor.
- 1.8 Actual Cost of Product – the current County or market cost of the product or media.

2.0 General Fees and Guidelines

- 2.1 If a fee is set by statute or other law, that fee shall be charged. County agencies that have a fee schedule approved by the County Council shall charge fees approved by County Council.
- 2.2 Salt Lake County agencies may charge a reasonable fee to cover actual costs of duplicating a record or compiling a record in a form other than that maintained by the agency. Compiling records may include the process of segregating non-public data from a record if the agency would not normally segregate the record for its own use.
 - 2.2.1 No fees other than those set out in 2.0 shall be added.
- 2.3 An agency may fulfill a record request without charge and is encouraged to do so consistent with UCA 63G-2-203 (4)(a) - (c). Each agency shall have a policy or procedure in place to ensure consistent application.
- 2.4 An agency may not charge a fee for reviewing a record to determine whether it is subject to disclosure, except as permitted by UCA 63G-2-203(2)(a); or for inspecting a record.
- 2.5 An agency may charge fees for certifying copies if the fee for certification has been established by statute or by the Council.
- 2.6 Certain records, by nature of the information they contain, will be distributed to the public free of charge. Examples of such records include, but are not limited to:
 - 2.6.1 copies of proposed and enacted budgets, audits and reports;
 - 2.6.2 copies of long-range financial plans and other similar documents which are prepared primarily for the purpose of communicating the public's business.
- 2.7 No person shall be charged for additional copies of tax bills, notices due or other bills if they are the subject of the bill or record.

- 2.8 Agencies may waive duplicating fees if their daily collection of such fees is minimal and the agency does not normally provide and maintain this service. Agencies that do not have cashier capabilities are required to refer to Countywide Policy 1062 - Fund Management, § Bill for Collection (Due Bills).
- 2.9 Agencies are encouraged to provide requestors estimated fees before duplication, whenever possible.
- 2.10 Agencies may require payment of estimated fees if in excess of \$50.00, and of any past fees before processing a records request.

3.0 Duplication of Records Protected by Intellectual Property Rights

- 3.1 Any County records that have been protected by intellectual property rights are subject to separate fees for licensing or duplication. These fees are to follow GRAMA, Subsections 63G-2-201, 10(a) and (b), or are to be determined under the provisions of Salt Lake County Ordinance, Chapter 3.42 and the Auditor's Policies and Procedures.
- 3.2 Citizens may inspect such records and have access to such records in accordance with fair use principles of copyright law. Salt Lake County reserves all other rights and protection granted under applicable federal and state law.

4.0 Consistency of Fees for Duplicating and Compiling

Agencies that adopt a separate fee schedule for records must post that schedule upon approval. When requested, GRAMPA will work with agencies to assure that fees meet legal requirement and are as consistent as possible for offices maintaining similar information.

5.0 Appeals

- 5.1 Requestors shall have the right to appeal any decision relating to fees or refunds of fees through the established appeal process. (See Countywide Records Policy and Procedure 2040, Appeals Process.)
- 5.2 County agencies shall not release copies of records until all fee appeals requests have been decided, or any fees due have been paid.

6.0 Establishing Fees Based on Actual Costs

- 6.1 County agencies may adopt their own fee schedules in lieu of the recommended fee guidelines in accordance with County policies and with approval of the Council.
- 6.2 All "non-statutory fees" shall be set by the Council, based upon its review of the actual cost of providing such services, and must be reviewed annually.
- 6.3 In the setting of fees, the Council may take into account circumstances where the charge or fee would create an economic hardship that precludes the use of a basic service or would diminish use of or participation in a service below the level deemed advisable.
- 6.4 The County recognizes existing laws and statutes which govern fees for the release of government-held information and which may take precedence over recommended fee guidelines.

7.0 Collecting Fees

The procedure for collecting fees is contained in Countywide Policy & Procedure 1062, Management of Public Funds.

APPROVED and PASSED this 20 day of May, 2008.

SALT LAKE COUNTY COUNCIL

Michael Jensen, Chair

ATTEST:

Sherry Swensen, County Clerk

APPROVED AS TO FORM:

District Attorney's Office Date

Attachment 1

Recommended Fee Schedule

Fees for services (staff time rendered):

\$25.00 per hour for search, compilation, and redaction. The first quarter hour is free.

Fees for products/media:

Paper copies of 8 ½ x 11 inches up to 11 x 17 inches are \$.25 per page.

Large paper formats, such as maps, will be charged the actual reproduction cost.

Photographs, which may include negatives, prints, slides, or digital images, will be charged the reproduction cost. Requests for information that are made available on audio, video or other media will also be charged the reproduction cost.

Records made available on electronic media currently used by the agency will be charged the actual cost of the product.

Electronic records: Agencies may charge for electronic records based on how they are maintained or determined by the type of request; either by file, by image or by entry.

Fees for delivery charges:

County agencies may choose to charge for delivery of requested records or waive delivery fees.

Fees for US Postal Service or an authorized delivery service such as UPS, Fed Ex, etc. will be the current rates.

Records delivered to the requestor by fax may be charged at the rate of \$1.00 per page.

All of the above fees may be charged if applicable.