

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

Legislative Management Committee Policy L. Legislative Records

(12-11-20 draft)

Part 1. General Provisions

Section L-101. Basis of policy -- Superseding previous policies.

(1) This policy is adopted pursuant to Utah Code Section 63G-2-703, which broadly gives the Legislature, through the Legislative Management Committee, authority to establish policies relating to "requests for classification, designation, fees, access, denials, segregation, appeals, management, retention, and amendment of records" and to establish "an appellate board to hear appeals from denials of access."

(2) This policy supersedes and replaces the Utah Legislature Policies and Procedures for Handling Records Requests and any other previous policy relating to legislative records.

Section L-102. Definitions.

As used in this policy:

(1)(a) "Accepted record request" means a record request:

(i) that is not rejected under Section L-203 or L-205; and

(ii) for which the requester has paid the applicable filing fee, if the record request is an out-of-state request or a repeat request.

(b) "Accepted record request" does not include a record request that a legislative office is not required to respond to or fill under GRAMA or this policy.

(2)(a) "Access denial" means a legislative office's denial of access to a record:

(i) based on the record's classification as private, controlled, or protected; or

(ii) because access to the record is limited pursuant to a court order or rule, another state statute, or federal statute or regulation.

(b) "Access denial" does not include:

(i) a legislative office's failure to provide access to a record because:

(A) the legislative office does not retain the record;

(B) the legislative office does not retain a record that is responsive to the request; or

(C) under GRAMA or this policy, the legislative office is not required to respond to or

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

32 fill the record request;

33 (ii) the rejection of a record request under Section L-203 or L-205; or

34 (iii) the denial of a fee waiver request.

35 (3) "Business day" means a day other than Saturday, Sunday, or a state or federal
36 holiday.

37 (4) "Chief officer" means:

38 (a) for the Utah Senate, the president of the Senate or the president's designee;

39 (b) for the Utah House of Representatives, the speaker of the House of

40 Representatives or the speaker's designee;

41 (c) for the Office of Legislative Research and General Counsel, the director of the
42 Office of Legislative Research and General Counsel or the director's designee;

43 (d) for the Office of the Legislative Fiscal Analyst, the Legislative Fiscal Analyst or the
44 Legislative Fiscal Analyst's designee;

45 (e) for the Office of the Legislative Auditor General, the Legislative Auditor General or
46 the Legislative Auditor General's designee; or

47 (f) for a legislative staff office providing service to the legislative branch, other than an
48 office listed in Subsection (4)(c), (d), or (e), the individual designated jointly by a
49 representative from each of the other legislative offices.

50 (5) "Complimentary time" means staff time that a legislative office:

51 (a) spends in responding to an in-state request; and

52 (b) does not charge a fee for, consistent with the fee schedule attached to this policy
53 as Appendix B.

54 (6) "Confidential business record" means a record:

55 (a) described in Utah Code Subsection 63G-2-305(1) or (2);

56 (b) for which a legislative office receives a written statement as provided in Subsection
57 L-103(2); and

58 (c) that the legislative office classifies as protected.

59 (7) "Controlled" means a classification given to a record based on Utah Code Section
60 63G-2-304.

61 (8) "Effective filing date" is the date on which a record request that is not rejected
62 under Section L-203 or L-205 is received by the records coordinator.

63 (9) "Fee waiver denial override request" means a request under Subsection L-302(9)

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

64 asking for the denial of a fee waiver request to be overridden.

65 (10) "Fee waiver request" means a request under Section L-302 for the waiver of a
66 response fee.

67 (11) "Governmental entity" means the same as that term is defined in Section
68 63G-2-103.

69 (12) "GRAMA" means Utah Code Title 63G, Chapter 2, Government Records Access
70 and Management Act.

71 (13) "Individual" means a human being.

72 (14) "In-state request" means a record request submitted by an in-state resident.

73 (15) "In-state resident" means a person:

74 (a) who, if an individual, is a legal resident of the state or is domiciled in the state; or

75 (b) that, if a person other than an individual, has its principal place of business or
76 principal operations in the state.

77 (16)(a) "Legislative office" means:

78 (i) the Utah Senate;

79 (ii) the Utah House of Representatives;

80 (iii) the Office of Legislative Research and General Counsel;

81 (iv) the Office of the Legislative Fiscal Analyst;

82 (v) the Office of the Legislative Auditor General; or

83 (vi) any other legislative staff office providing service to the legislative branch.

84 (b) "Legislative office" does not include:

85 (i) a political party, group, or caucus; or

86 (ii) a rules or sifting committee of the Legislature.

87 (17) "Legislative Records Committee" means a committee comprised of the president
88 and minority leader of the Utah Senate and the speaker and minority leader of the Utah
89 House of Representatives.

90 (18)(a) "Media outlet" means a bona fide newspaper, magazine, or broadcast media
91 enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the business of
92 providing news and information to the general public.

93 (b) "Media outlet" does not include a blog, podcast, social media account, or other
94 means of mass communication generally available to a member of the public.

95 (19) "Out-of-state request" means a record request submitted by a person other than

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

96 an in-state resident.

97 (20) "Person" means the same as that term is defined in Utah Code Section
98 63G-2-103.

99 (21) "Private" means a classification given to a record based on Utah Code Section
100 63G-2-303 or 63G-2-304.

101 (22) "Protected" means a classification given to a record based on Utah Code Section
102 63G-2-305 or other applicable law.

103 (23) "Public" means a classification given to a record:

104 (a) that is not classified as controlled, private, or protected; and

105 (b) access to which is not limited pursuant to a court order or rule, another state
106 statute, or federal statute or regulation.

107 (24) "Record" means the same as that term is defined in Utah Code Section
108 63G-2-103.

109 (25) "Record request" means a written request seeking access to a record.

110 (26) "Record request nonresponse" means a records coordinator's lack of response to
111 a record request within the time provided in Subsection L-204(2).

112 (27) "Records coordinator" means:

113 (a) an individual designated by the Legislative Management Committee to perform the
114 functions and duties of the records coordinator under this policy, if the Legislative
115 Management Committee designates an individual to perform those functions and duties for
116 all legislative offices; or

117 (b) an individual designated for each legislative office by that legislative office's chief
118 officer to perform the functions and duties of the records coordinator under this policy, if the
119 Legislative Management Committee does not designate an individual to perform those
120 functions and duties for all legislative offices.

121 (28) "Repeat request" means an in-state request submitted by a person, other than a
122 media outlet or an individual employed by and acting on behalf of a media outlet, to a
123 legislative office:

124 (a) in a calendar month during which the person has already submitted two record
125 requests to that legislative office; or

126 (b) in a calendar year during which the person has already submitted six record
127 requests to that legislative office.

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

128 (29) "Requester" means a person who submits a record request to a records
129 coordinator as provided in this policy.

130 (30) "Response fee" means the total of all fees described in Appendix B that a
131 legislative office is authorized or required to charge a requester for responding to a record
132 request, other than a filing fee described in Appendix B for a repeat request or out-of-state
133 request.

134 (31) "Review officer" means:

135 (a) an individual designated by the Legislative Management Committee to review
136 access denials, record request nonresponses, and fee waiver denial override requests for all
137 legislative offices, if the Legislative Management Committee designates an individual to
138 perform those functions for all legislative offices; or

139 (b) an individual designated for each legislative office by that legislative office's chief
140 officer to review access denials, record request nonresponses, and fee waiver denial
141 override requests for that legislative office, if the Legislative Management does not designate
142 an individual to perform those functions for all legislative offices.

143 (32) "Review request" means a request described in Section L-401 seeking review of
144 a records coordinator's access denial or a record request nonresponse as part of an overall
145 appeal process.

146

147 **Section L-103. Record classification.**

148 (1)(a) A legislative office is not required to classify a record before receiving and
149 responding to an accepted record request for that record.

150 (b) As provided in GRAMA and this policy, a legislative office may classify a record as
151 public, private, controlled, or protected.

152 (2)(a) A legislative office classifies or reclassifies a record through the legislative
153 office's records coordinator, review officer, or chief officer, as provided in this Subsection (2).

154 (b) Upon receiving a record request, a records coordinator may classify a record on
155 behalf of the legislative office to which the record request was submitted.

156 (c) A review officer may:

157 (i) classify a record that is the subject of a review request, if the records coordinator
158 has not previously classified the record; or

159 (ii) change the classification of a record that is the subject of the review request, if the

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

160 records coordinator has previously classified the record.

161 (d)(i) A chief officer may classify or reclassify, or may direct a records coordinator or
162 review officer to classify or reclassify, a record on behalf of the chief officer's legislative office
163 at any time.

164 (ii) A chief officer's classification of a record supersedes a classification of the record
165 made by a records coordinator or review officer.

166 (3) A legislative office may classify a record as protected under Utah Code Subsection
167 63G-2-305(1) or (2) if the person from whom the legislative office receives the record
168 provides with the record a written statement:

169 (a) that identifies the record as a trade secret or commercial or nonindividual financial
170 information under Utah Code Subsection 63G-2-305(1) or (2);

171 (b) that includes a concise explanation of the reasons supporting the statement that
172 the record is a trade secret or commercial or nonindividual financial information under Utah
173 Code Subsection 63G-2-305(1) or (2);

174 (c) in which the person:

175 (i) releases the Legislative Records Committee, the Utah Legislature, and all
176 members, staff, and employees of the Utah Legislature from any and all responsibility,
177 claims, liability, and damages resulting or arising from a release of the record under
178 Subsection L-505(1)(b)(iii);

179 (ii) covenants not to sue or otherwise assert a claim against the Legislative Records
180 Committee, the Utah Legislature, or any member, staff, or employee of the Utah Legislature
181 if the suit or claim is based in any way on a release of the record under Subsection L-
182 505(1)(b)(iii); and

183 (iii) agrees to protect, defend, and indemnify the legislative office that retains the
184 record, the Utah Legislature, and all members, staff, and employees of the Utah Legislature
185 from and against any claims, liability, or damages resulting or arising from a denial of access
186 to the record as a protected record.

187 (4) A legislative office may classify a draft of legislation as a protected record based
188 on its status as a draft even though the sponsor makes or directs the making of a limited
189 distribution of the draft for the purpose of allowing review of and receiving comment on the
190 draft as part of the sponsor's deliberative process in connection with the preparation of
191 legislation.

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

192 (5) A legislative office may classify as private, controlled, or protected information
193 contained in a record otherwise classified as public if the information reveals the content of a
194 record classified as private, controlled, or protected.

195 (6)(a) Subject to Subsection (6)(b), the Legislative Records Committee may reclassify
196 a record that is the subject of an appeal under Part 5, Appeal to Legislative Records
197 Committee.

198 (b)(i) The Legislative Records Committee may reclassify a confidential business
199 record as public only with the approval of the person who submitted the record.

200 (ii) Subsection (6)(b)(i) does not prevent the Legislative Records Committee from
201 releasing a confidential business record as provided in Subsection L-505(1)(b)(iii).

202

203 **Section L-104. Record retention.**

204 (1) The retention schedule attached as Appendix A is incorporated into this policy and
205 governs a legislative office's retention and disposal of records, subject to the allocation of
206 retention responsibility under Subsection (3).

207 (2)(a) A specified period of time provided for a record in the retention schedule means
208 that a legislative office:

209 (i) is required to retain the record for the specified period of time; and

210 (ii) may dispose of the record after the expiration of that period of time.

211 (b) A legislative office:

212 (i) is not required to dispose of a record upon the expiration of the specified period of
213 time provided for that record in the retention schedule; and

214 (ii) may continue to retain the record for as long as the legislative office has an
215 administrative need for the record.

216 (3)(a) Staff representing each legislative office shall consult together and allocate
217 responsibility and implement any protocol or process necessary to ensure the retention of
218 records according to the retention schedule.

219 (b) The allocation of responsibility and implementation of a protocol or other process
220 under Subsection (3)(a) shall take into account the role of the Division of Archives under
221 Utah Code Section 63A-12-102.

222 (4) Retention of a record may be by any means, including electronic, that allows
223 access to and retrieval of the record in essentially its original format.

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

256 to the record.

257 (2) Notwithstanding Subsection (1), a legislative office may provide a person access to
258 a public record without a written request if:

259 (a) the record:

260 (i) was previously distributed publicly at a legislative meeting;

261 (ii) is a notice, agenda, or other material relating to a legislative meeting, routinely
262 published or made publicly available by a legislative office; or

263 (iii) has already been generally distributed to the public at large; or

264 (b) the chief officer of the legislative office concludes that the legislative office's
265 convenience and efficiency are best served by providing access to the record without a
266 written request.

267 (3) Nothing in this policy may be construed to limit the routine sharing of documents
268 and information in the normal course of business conducted by the legislative office.

269

270 **Section L-202. Record request requirements.**

271 (1) A record request shall:

272 (a) be submitted on a form approved and made available by the legislative office;

273 (b) contain:

274 (i) the name, mailing address, and daytime telephone number of the requester;

275 (ii) the email address of the requester, if the requester indicates that the requester is
276 willing to accept communications regarding the record request by email; and

277 (iii) a description of the record requested that identifies the record with reasonable
278 specificity; and

279 (c) specify the legislative office that the requester believes to be the office that retains
280 the record.

281 (2)(a) A legislative office shall require a person submitting a record request that the
282 person intends to be an in-state request to certify that the person:

283 (i) is an in-state resident; and

284 (ii) submits the record request on the person's own behalf and not on behalf of or for a
285 person who is not an in-state resident.

286 (b) A record request that does not contain the certification under Subsection (2)(a) is
287 considered to be an out-of-state request.

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

288 (3) The requirement of reasonable specificity under Subsection (1)(b)(iii) is not met if
289 the records coordinator is unable to readily determine from the face of the record request the
290 record being requested.

291

292 **Section L-203. Rejecting a record request -- Timeline -- Failure to pay filing fee.**

293 (1)(a) A records coordinator may reject a record request that does not comply with the
294 requirements of Subsection L-202(1).

295 (b) If a records coordinator rejects a record request under Subsection (1)(a), the
296 records coordinator shall notify the requester in writing of the rejection and the reason for the
297 rejection.

298 (c)(i) A record request is considered to have complied with the requirements of
299 Subsection L-202(1) at the time the records coordinator received the record request if the
300 records coordinator does not notify the requester of the rejection under Subsection (1)(a)
301 within:

302 (A) three business days after the records coordinator receives the record request, if
303 the response time under Subsection L-204(2)(a)(i)(A) applies, or six business days after the
304 records coordinator receives the record request, if the response time under Subsection L-
305 204(2)(a)(i)(B) applies; or

306 (B) a period of time that is longer than the period described in Subsection (1)(c)(i)(A),
307 if the requester and records coordinator agree to the longer period of time.

308 (ii) Subsection (1)(c)(i) does not apply to a record request that a legislative office is not
309 required to respond to or fill under GRAMA or this policy.

310 (2)(a) A legislative office may not accept an out-of-state request or a repeat request
311 unless the record request is accompanied by the applicable filing fee.

312 (b) If a legislative office is unable to accept a record request under Subsection (2)(a),
313 the records coordinator shall promptly notify the requester:

314 (i) that the legislative office is unable to accept the record request because of the
315 requester's failure to pay the applicable filing fee; and

316 (ii) of the amount of the applicable filing fee.

317 (c) A requester is considered to have withdrawn the requester's record request if the
318 requester fails to pay the applicable filing fee within 10 business days after the records
319 coordinator notifies the requester under Subsection (2)(b) of the filing fee.

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

320 **Section L-204. Response to record request -- Record request nonresponse.**

321 (1) A records coordinator shall respond in writing to an accepted record request as
322 soon as reasonably possible, but no later than the time period described in this section.

323 (2)(a) The time for a response under Subsection (1) is:

324 (i)(A) five business days after the effective filing date, if the requester requests an
325 expedited response and demonstrates that an expedited response benefits the public rather
326 than the requester; or

327 (B) except as provided in Subsection (2)(a)(i)(A), 10 business days after the effective
328 filing date;

329 (ii) the applicable period described in Subsection (3)(c), if one of the circumstances
330 described in Subsection (3)(a) applies; or

331 (iii) a period different than the period described in Subsection (2)(a)(i) or (ii) if the
332 requester and records coordinator agree to the different period of time.

333 (b)(i) A records coordinator shall determine whether, in the records coordinator's
334 reasonable judgment, a requester that has requested an expedited response under
335 Subsection (2)(a)(i)(A) has adequately demonstrated that an expedited response benefits the
336 public rather than the requester.

337 (ii) A requester's declaration that an expedited response benefits the public rather than
338 the requester does not alone make the demonstration of public benefit required to support an
339 expedited response under Subsection (2)(a)(i)(A).

340 (iii) An expedited response under Subsection (2)(a)(i)(A) is presumed to benefit the
341 public rather than the requester if the requester is seeking access to the requested record for
342 a time-sensitive story or report that the requester is working on for a publication or broadcast
343 to the general public by a Utah media outlet.

344 (3)(a) A records coordinator may respond to a record request after the time period
345 specified in Subsection (2)(a)(i) but within the time period specified in Subsection (3)(c) if:

346 (i) another governmental entity is using the requested record;

347 (ii)(A) another governmental entity is using the requested record as part of an audit;

348 and

349 (B) returning the record before the completion of the audit would impair the conduct of
350 the audit;

351 (iii) the request is for a voluminous quantity of records;

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

352 (iv) the requester has submitted multiple record requests within five working days of
353 each other seeking a substantial number of records;

354 (v) the legislative office is currently processing a large number of record requests;

355 (vi) responding to the record request requires the legislative office to review a large
356 number of records to locate the records requested;

357 (vii) the decision to provide access to a record involves a legal issue that requires the
358 legislative office to seek legal counsel for the analysis of statute, rule, ordinance, regulation,
359 or case law; or

360 (viii) segregating information to which the requester is entitled to have access from
361 information to which the requester is not entitled to have access requires:

362 (A) extensive redacting or editing; or

363 (B) computer programming.

364 (b) If a records coordinator relies on Subsection (3)(a)(i) or (ii) for additional time to
365 respond to a record request, the records coordinator shall promptly request the other
366 governmental entity to return the record:

367 (i) within five business days, for a record under Subsection (3)(a)(i); or

368 (ii) as soon as the governmental entity no longer needs the record for audit purposes,
369 for a record under Subsection (3)(a)(ii).

370 (c) If a circumstance described under Subsection (3)(a) applies, a records coordinator
371 shall respond to the record request:

372 (i) within five business days after the legislative office receives the record from the
373 other governmental entity, for a circumstance described in Subsection (3)(a)(i) or (ii);

374 (ii) as soon as reasonably possible, for a circumstance described in Subsection
375 (3)(a)(iii), (iv), (v), (vi), or (viii)(B); or

376 (iii) within five business days after the expiration of the time specified in Subsection
377 (2)(a)(i), for a circumstance described in Subsection (3)(a)(vii) or (viii)(A).

378 (d) If a records coordinator relies on one of the circumstances described in Subsection
379 (3)(a) for additional time to respond to a record request, the records coordinator shall, within
380 the time specified in Subsection (2)(a)(i) or (iii), notify the requester in writing:

381 (i) that, because of one of the circumstances described in Subsection (3)(a), the
382 records coordinator will not respond to the record request within the time specified in
383 Subsection (2)(a)(i);

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

384 (ii) of the circumstance that the records coordinator relies on for additional time to
385 respond; and

386 (iii) of the estimated date the records coordinator anticipates responding to the record
387 request, if the circumstance relied on is a circumstance described in Subsection (3)(a)(iii),
388 (iv), (v), (vi), or (viii)(B).

389 (4) A records coordinator shall:

390 (a) deny an accepted record request if and to the extent that:

391 (i) the record to which access is sought is classified by the legislative office as private,
392 controlled, or protected; or

393 (ii) access to the record is limited pursuant to a court order or rule, another state
394 statute, or federal statute or regulation; or

395 (b) subject to the requirements of GRAMA and this policy, grant an accepted record
396 request and provide access to the requested record if and to the extent that the record to
397 which access is sought is classified by the legislative office as public.

398 (5) A records coordinator shall:

399 (a) deny an accepted record request to the extent that the record request seeks
400 access to a confidential business record; and

401 (b) send the person from whom the legislative office received the confidential business
402 record a written notice informing the person of the record request and the records
403 coordinator's denial.

404 (6) If a records coordinator's written response includes an access denial, the response
405 shall:

406 (a) cite the provision of law that provides the basis for the classification of the record
407 as other than public;

408 (b) provide a brief summary description of the record to which access is denied,
409 without disclosing any information that would reveal the substantive content of the record;
410 and

411 (c) include information on the filing of a review request under Section L-401, including:

412 (i) the time limit for filing a review request; and

413 (ii) the name, business address, and business email address of the review officer.

414 (7) A records coordinator is considered to have not responded to an accepted record
415 request if the records coordinator does not respond to the request within the applicable time

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

416 specified in Subsection (2).

417 (8) The applicable time period described in Subsection (2) is suspended for a period
418 of time that:

419 (a) begins the day on which the records coordinator:

420 (i) sends notice of a response fee to the requester under Subsection L-301(3)(b); or

421 (ii) notifies a requester under Subsection L-301(5) of an additional response fee; and

422 (b) ends at the end of the day on which:

423 (i) the records coordinator receives payment of the response fee or additional

424 response fee, as applicable; or

425 (ii) the records coordinator or review officer grants a fee waiver request under Section
426 L-302 waiving the required response fee or additional response fee.

427

428 **Section L-205. Record received from another governmental entity.**

429 (1) A legislative office is considered not to have prepared and not to own or retain a
430 record that the legislative office receives from another governmental entity if:

431 (a) the record is not a communication between the other governmental entity and the
432 legislative office; and

433 (b)(i) the other governmental entity has classified the record with a classification other
434 than public and has notified the legislative office of that classification; or

435 (ii) the legislative office is uncertain of how the other governmental entity has classified
436 or would classify the record.

437 (2) If a legislative office receives a record request for a record described in Subsection
438 (1), the records coordinator shall:

439 (a) reject the record request; and

440 (b) inform the requester of the identity of the governmental entity from which the
441 legislative office received the record.

442

443 **Section L-206. Providing access to a record despite its classification as**
444 **protected.**

445 In response to a record request, a legislative office may provide access to a record
446 that a legislative office has classified as protected, other than a confidential business record,
447 if the chief officer of the legislative office that retains the record determines that the interests

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

448 favoring access are greater than or equal to the interests favoring a denial of access.

449
450 **Part 3. Fees for Responding to a Record Request**

451
452 **Section L-301. Fee required -- Exception.**

453 (1)(a) Subject to Subsection (1)(b), and in addition to any applicable filing fee required
454 under the fee schedule in Appendix B, a legislative office shall charge a requester a
455 response fee, according to the fee schedule in Appendix B, for responding to the requester's
456 record request.

457 (b) A legislative office may not charge a response fee if, in responding to the record
458 request, the legislative office:

- 459 (i) does not spend staff time that exceeds complimentary time; and
- 460 (ii) will not incur any other costs or will incur only nominal costs.

461 (2)(a) The fee schedule in Appendix B is incorporated into this policy.

462 (b) The Office of Legislative Research and General Counsel shall adjust the amount of
463 the fee for staff time under Appendix B every five years based on changes in the chained
464 CPI and rounded to the nearest five dollars.

465 (3) If a legislative office charges a response fee, the legislative office shall:

- 466 (a) estimate the amount of the response fee; and
- 467 (b) notify the requester of the amount of the estimated response fee.

468 (4)(a) In estimating the amount of the response fee to charge a requester, a legislative
469 office may conduct or direct a preliminary search and review of records to gain a general
470 understanding of the volume of records likely to be responsive to the record request and to
471 estimate the amount of staff time that will likely be required to identify, gather, classify, and
472 segregate records in response to the record request.

473 (b) A legislative office may include staff time spent in a preliminary search and review
474 of records under Subsection (4)(a) in the calculation of the response fee to charge a
475 requester.

476 (5)(a) If the amount a requester pays pursuant to an estimated response fee under
477 this section is inadequate to cover the actual staff time spent and costs incurred responding
478 to a record request, a legislative office may, before continuing to work on responding to the
479 record request, require a requester to pay an additional response fee to cover the estimated

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

480 additional staff time and costs.

481 (b) If the estimated response fee a requester pays exceeds the amount needed to
482 cover actual staff time spent and costs incurred responding to a record request, the
483 legislative office shall promptly refund the excess response fee to the requester.

484 (6)(a) A requester is considered to have withdrawn the requester's record request if
485 the requester fails to pay the estimated response fee within:

486 (i) 20 business days after the legislative office notifies the requester of the initial
487 estimated response fee under Subsection (3)(b); or

488 (ii) if later than the period specified in Subsection (6)(a)(i), 10 business days after, as
489 applicable:

490 (A) the denial of a fee waiver request under Section L-302; or

491 (B) a review officer declines to override the denial of a fee waiver request under
492 Subsection L-302(9).

493 (b) The records coordinator shall respond to the requester's record request and
494 provide access to public records to the extent practicable consistent with the amount of staff
495 time covered by the requester's response fee payment, if a requester fails to pay an
496 additional response fee under Subsection (5)(a) within:

497 (i) 20 business days after the legislative office notifies the requester of the additional
498 response fee; or

499 (ii) if later than the period specified in Subsection (6)(b)(i), 10 business days after, as
500 applicable:

501 (A) the denial of a fee waiver request under Section L-302; or

502 (B) a review officer declines to override the denial of a fee waiver request under
503 Subsection L-302(9).

504 (7) If a legislative office determines that a person has falsely certified information
505 under Subsection L-202(2)(a)(i) or (ii), the legislative office may charge the person all fees in
506 Appendix B that are applicable to an out-of-state request for any record request submitted by
507 the person during the period that ends one year after the false certification.

508 (8) With respect to an action of a legislative office under this section, a legislative
509 office may act through:

510 (a) its records coordinator, in the context of the records coordinator's consideration of
511 a record request;

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

512 (b) its review officer, in the context of the review officer's consideration of a review
513 request of a record request nonresponse; or

514 (c) its chief officer.

515

516 **Section L-302. Fee waiver request.**

517 (1) A records coordinator may grant a fee waiver request only as provided in this
518 section.

519 (2) A person who has submitted an accepted record request and has been charged a
520 response fee or additional response fee under Section L-301 may request a waiver of the
521 response fee or additional response fee by submitting to the records coordinator a written fee
522 waiver request.

523 (3) A records coordinator may not consider and shall reject a fee waiver request
524 unless the fee waiver request:

525 (a) is submitted:

526 (i) separate from the accepted record request that is the subject of the response fee
527 for which a waiver is sought; and

528 (ii) on a form that the legislative office approves and makes available; and

529 (b) contains:

530 (i) the name, mailing address, and daytime telephone number of the requester;

531 (ii) the email address of the requester, if the requester indicates that the requester is
532 willing to accept communications regarding the fee waiver request by email;

533 (iii) a clear reference to the requester's record request that allows the records request
534 for which a fee waiver is being requested to be readily identified; and

535 (iv) an explanation of the circumstances that the requester believes justify a waiver of
536 the response fee.

537 (4) A fee waiver request submitted before the legislative office charges a response fee
538 or additional response fee, as the case may be, under Section L-301 is considered submitted
539 on the day that the legislative office notifies the requester of the amount of the estimated
540 response fee or additional response fee, respectively, under Section L-301.

541 (5) A records coordinator may waive some or all of a response fee or additional
542 response fee only if the records coordinator determines that:

543 (a) in light of all applicable circumstances known to the records coordinator, requiring

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

544 the requester to pay the response fee would place an unusually undue burden on the
545 requester;

546 (b) the public benefit derived from responding to the accepted record request and
547 providing access to the requested records substantially outweighs the interest in recovering
548 the response fee or additional response fee to cover some of the cost to the public of the
549 legislative office responding to the accepted record request; or

550 (c) there are other extraordinary circumstances justifying a waiver.

551 (6) A records coordinator's lack of response to a fee waiver request within five
552 business days after receiving the fee waiver request constitutes a denial of the fee waiver
553 request.

554 (7) A denial of a fee waiver request is not a denial of access to a record.

555 (8) Unless overridden by a review officer as provided in Subsection (9), a records
556 coordinator's denial of a fee waiver request stands and is final.

557 (9)(a) A requester whose fee waiver request has been denied may ask a review officer
558 to override the denial by submitting a written override request to the review officer within five
559 business days after the denial of the fee waiver request.

560 (b) An override request under Subsection (9)(a) is considered declined and the denial
561 of the fee waiver request stands unless the review officer overrides the denial within five
562 business days after the review officer receives the request.

563 (c) After receiving a timely override request under Subsection (9)(a), a review officer
564 may:

565 (i) override the denial and grant some or all of the fee waiver request, based on a
566 determination as provided in Subsection (5);

567 (ii) affirmatively decline the request; or

568 (iii) choose not to respond to the request.

569 (d) If a request to override the denial of a fee waiver request is declined or considered
570 declined under this Subsection (9):

571 (i) the denial of the fee waiver request stands and is final; and

572 (ii) the review officer's action to decline or to choose not to respond to the override
573 request is final.

574

575 **Part 4. Review of Access Denial or Record Request Nonresponse**

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

576

577 **Section L-401. Review request.**

578 (1) A requester may seek review of a records coordinator's access denial or a record
579 request nonresponse if the requester submits a review request to the review officer as
580 provided in this section.

581 (2) A review officer may not accept a review request or conduct a review of an access
582 denial or a record request nonresponse unless:

583 (a) the review request is submitted to the review officer no later than 15 business days
584 after, as applicable:

585 (i) the date of the access denial; or

586 (ii) the date that the records coordinator is considered to have not responded to the
587 requester's record request under Subsection L-204(5); and

588 (b) the review request complies with the other requirements of this section.

589 (3) A review request shall:

590 (a) contain:

591 (i) the name, mailing address, and daytime telephone number of the requester;

592 (ii) the email address of the requester, if the requester indicates that the requester is
593 willing to accept communications regarding the review by email;

594 (iii) an explanation of the basis of the review request; and

595 (iv) a statement of the action the requester wants the review officer to take; and

596 (b) be accompanied by a copy of:

597 (i) the accepted record request as to which the access denial or record request
598 nonresponse relates; and

599 (ii)(A) the records coordinator's written response that contains the access denial that is
600 the subject of the review request, if the records coordinator provided a written response
601 denying access to the record; or

602 (B) a statement that the records coordinator is considered to have not responded to
603 the accepted record request under Subsection L-204(5), including the date that the records
604 coordinator is considered to have not responded, if the requester seeks review of a records
605 request nonresponse.

606 (4) If a review request based on a record request nonresponse is submitted before the
607 expiration of the time for the records coordinator to respond to the record request under

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

608 Section L-204:

609 (a) the review request is invalid and without effect; and

610 (b) a review officer shall disregard and may not accept the review request.

611

612 **Section L-402. Review by review officer of an access denial or record request**
613 **nonresponse -- Response.**

614 (1) A review officer who receives a review request that complies with the requirements
615 of Section L-401 shall review the records coordinator's access denial or the records request
616 nonresponse and provide a written response to the requester, as provided in this section.

617 (2)(a) Upon review of a records coordinator's access denial, a review officer may:

618 (i) reaffirm the access denial and allow the access denial to stand; or

619 (ii) except as provided in Subsection (2)(b), override the access denial and provide to
620 the requester the record that is the subject of the access denial if:

621 (A) the review officer concludes that the classification upon which the records
622 coordinator's access denial was based is erroneous and that the record should properly be
623 classified as public;

624 (B) the review officer changes the classification of the record to public; or

625 (C) the chief officer of the legislative office that retains the record determines that the
626 interests favoring access are greater than the interests favoring a denial of access.

627 (b) A review officer may not override an access denial relating to a confidential
628 business record without the consent of the person from whom the legislative office received
629 the confidential business record.

630 (3)(a) Upon review of a record request nonresponse, a review officer shall, subject to
631 Subsection (3)(b), process the review request in accordance with Subsections L-204(1), (2),
632 (3), and (4), Sections L-205 and L-206, and Part 3, Fees for Responding to a Record
633 Request, as though the review officer were the records coordinator and the record request
634 were an accepted record request.

635 (b) With respect to the process described in Subsection (3)(a):

636 (i) Subsection L-204(5) does not apply; and

637 (ii) Subsection L-204(6) applies, except that the applicable time period that is
638 suspended is the time period described in Subsection L-403(1).

639 (4) As soon as reasonably possible after receiving a review request that complies with

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

640 the requirements of Section L-401, a review officer shall provide the requester a written
641 response with the results of the review officer's review of the access denial or record request
642 nonresponse that is the subject of the review request.

643
644 **Section L-403. When written response is considered issued.**

645 (1) A review officer is considered to have issued a written response to a review
646 request if the review officer does not issue a written response under Section L-402 within:

647 (a) for a review request related to an in-state request:

648 (i)(A) 20 business days after the review request is submitted; or

649 (B) 25 business days after the review request is submitted, if the review request is
650 submitted during an annual general session or special session of the Legislature; or

651 (ii) a period of time that ends later than the period of time stated in Subsection
652 (1)(a)(i), if the requester and review officer agree to the longer period of time; or

653 (b) for a review request related to an out-of-state request:

654 (i) 60 calendar days after the review request is submitted; or

655 (ii) a period of time that ends later than the period of time stated in Subsection
656 (1)(b)(i), if the requester and review officer agree to the longer period of time.

657 (2)(a) If a review officer is considered to have issued a written response under
658 Subsection (1) related to a review request of an access denial:

659 (i) the written response is considered to be a decision allowing the access denial to
660 stand; and

661 (ii) the access denial stands.

662 (b) If a review officer is considered to have issued a written response under
663 Subsection (1) related to a review request of a record request nonresponse, the written
664 response is considered to be an access denial related to the records requested in the record
665 request that is the subject of the record request nonresponse.

666
667 **Part 5. Appeal to Legislative Records Committee**

668
669 **Section L-501. Requester may appeal access denial to Legislative Records**
670 **Committee -- Notice of appeal.**

671 (1) A requester may appeal an access denial to the Legislative Records Committee if:

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

- 672 (a) the requester previously submitted a review request:
- 673 (i) seeking review of the access denial or record request nonresponse; and
- 674 (ii) that complies with the requirements of Section L-401;
- 675 (b) the review officer did not override the access denial; and
- 676 (c) the requester submits a notice of appeal to the Legislative Records Committee, as
- 677 provided in Section L-502, no later than 15 business days after the review officer, as
- 678 applicable:
- 679 (i) issues a written response under Section L-402; or
- 680 (ii) is considered to have issued a written response under Section L-403.
- 681 (2) The Legislative Records Committee may not accept a notice of appeal or consider
- 682 an appeal sought by a requester unless the notice of appeal complies with the requirements
- 683 of this section.
- 684 (3) A notice of appeal under this part shall contain:
- 685 (a) the name, mailing address, and daytime telephone number of the requester; and
- 686 (b) the email address of the requester, if the requester indicates that the requester is
- 687 willing to accept communications regarding the appeal by email.
- 688 (4) A notice of appeal under this part shall be accompanied by:
- 689 (a) a copy of the record request that is the subject of the access denial;
- 690 (b)(i) a copy of the records coordinator's written response that contains the access
- 691 denial; or
- 692 (ii) if applicable, a statement that the records coordinator is considered to have not
- 693 responded to the requester's record request under Subsection L-204(5), including the date
- 694 that records coordinator is considered to have not responded;
- 695 (c) a copy of the requester's review request;
- 696 (d)(i) a copy of the review officer's written response under Section L-402; or
- 697 (ii) if applicable, a statement that the review officer was considered to have issued a
- 698 written response under Section L-403, including the date that the response was considered
- 699 to have been issued; and
- 700 (e) a certificate of service signed by the requester certifying the submission to the
- 701 records coordinator of a copy of:
- 702 (i) the notice of appeal and the documents required under this Subsection (4) to
- 703 accompany the notice of appeal; and

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

704 (ii) the written statement under Subsection (6), if the requester submits a written
705 statement under Subsection (6).

706 (5) A notice of appeal is invalid and without effect and shall be disregarded by the
707 Legislative Records Committee if the notice of appeal is submitted to the Legislative Records
708 Committee before, as applicable:

709 (a) the review officer issues a written response under Section L-402; or

710 (b) the expiration of the time for the review officer to respond to the review request
711 under Section L-403.

712 (6) At the same time the requester submits a notice of appeal, the requester may
713 submit a separate written statement, no longer than 1,500 words in length, explaining the
714 basis of the requester's appeal.

715 (7) A records coordinator or the legislative office that made the access denial:

716 (a) may, within 10 business days after receiving a copy of the notice of appeal, submit
717 to the Legislative Records Committee a brief written explanation of the basis of the access
718 denial; and

719 (b) shall send a copy of the explanation under Subsection (7)(a) to the requester, if the
720 records coordinator or legislative office submits a written explanation under Subsection
721 (7)(a).

722 (8) The Legislative Records Committee may require a records coordinator or review
723 officer to prepare and submit to the committee the brief description referred to in Subsection
724 L-204(4)(b) if:

725 (a) the record request that is the subject of the appeal is the subject of a record
726 request nonresponse; and

727 (b) the review officer was considered to have issued a written response under Section
728 L-403.

729

730 **Section L-502. Filing with or submitting documents to the Legislative Records** 731 **Committee.**

732 (1) A notice of appeal or other document required or permitted under this policy to be
733 filed with or submitted to the Legislative Records Committee shall be filed with or submitted
734 to the director of the Office of Legislative Research and General Counsel.

735 (2) Filing with or submitting to the director of the Office of Legislative Research and

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

736 General Counsel alone constitutes filing with or submitting to the Legislative Records
737 Committee.

738

739 **Section L-503. Nature of appeal to Legislative Records Committee -- Committee**
740 **review of records.**

741 (1) An appeal to the Legislative Records Committee is not an adversarial or
742 quasi-judicial proceeding but is an opportunity for:

743 (a) the requester to explain the basis of the requester's appeal and explain why the
744 requester should be provided access to the record that is the subject of the access denial;
745 and

746 (b) the Legislative Records Committee to make its own assessment as to whether:

747 (i) a legislative office's classification of a record that is the subject of an access denial
748 was erroneous;

749 (ii) the record that is the subject of an access denial should be reclassified; and

750 (iii) the interests favoring access are greater than the interests favoring a denial of
751 access.

752 (2)(a) A member of the Legislative Records Committee may:

753 (i) review a record that is the subject of the access denial at any time; and

754 (ii) consult ex parte with the records coordinator, review officer, or chief officer
755 concerning anything related to the record request, access denial, record request
756 nonresponse, or other action or inaction with respect to the record request, including:

757 (A) the classification of the record that is the subject of the access denial; and

758 (B) the basis of any access denial.

759 (b) A legislative office shall make a record available to a member of the Legislative
760 Records Committee for the member's review under Subsection (2)(a) at the member's
761 request.

762

763 **Section L-504. Legislative Records Committee proceedings.**

764 (1)(a) A requester may request the Legislative Records Committee to hold a hearing
765 on the requester's appeal by submitting to the Legislative Records Committee a request for a
766 hearing.

767 (b) The Legislative Records Committee may not consider a request for a hearing

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

768 unless the request for a hearing is submitted with, and at the same time the requester files, a
769 notice of appeal.

770 (2) The Legislative Records Committee may:

771 (a) in its sole discretion, grant or deny a request for a hearing; and

772 (b) on its own, decide to hold a hearing on the appeal.

773 (3) If the Legislative Records Committee grants a request for a hearing or decides on
774 its own to hold a hearing, the committee shall:

775 (a) schedule a hearing to be held within:

776 (i) 60 calendars days after the notice of hearing under Subsection (3)(b) is issued; or

777 (ii) a longer period of time than the period described in Subsection (3)(a)(i), if the
778 requester agrees to the longer period of time;

779 (b) send a notice of the date, time, and place of the hearing to:

780 (i) the requester;

781 (ii) the records coordinator; and

782 (iii) the chief officer of the legislative office that made the access denial or the record
783 request nonresponse that is the subject of the requester's appeal.

784 (4) The purposes of a hearing under this section are:

785 (a) for the Legislative Records Committee to acquire a better understanding of:

786 (i) the basis of the legislative office's access denial; and

787 (ii) the basis of the requester's appeal;

788 (b) to allow a requester an opportunity to explain why the Legislative Records
789 Committee should override the access denial; and

790 (c) to allow the records coordinator, review officer, or other representative of the
791 legislative office to explain the basis of the access denial, if the Legislative Records
792 Committee requests the legislative office's appearance under Subsection (5).

793 (5) The Legislative Records Committee may request the records coordinator, review
794 officer, or other representative of the legislative office that made the access denial to appear
795 at a hearing under this section to explain the basis for the access denial, subject to
796 Subsection (6).

797 (6) In explaining or discussing the basis for an access denial or discussing a record
798 that is subject to an access denial, an individual involved in any capacity at a hearing under
799 this section may not disclose the content of any record that is subject to the access denial.

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

800 (7) The chair of the Legislature Records Committee is:

801 (a) the president of the Senate, for an appeal initiated during an even-numbered year;

802 and

803 (b) the speaker of the House of Representatives, for an appeal initiated during an odd-
804 numbered year.

805 (8) The Legislative Records Committee or its chair may establish procedures and
806 other requirements, in addition to the provisions of this policy, to govern proceedings before
807 the Legislative Records Committee.

808

809 **Section L-505. Legislative Records Committee statement.**

810 (1) The Legislative Records Committee may:

811 (a) reaffirm the access denial and allow the access denial to stand; or

812 (b) override the access denial and disclose the record to the requester, if the

813 Legislative Records Committee:

814 (i) concludes that the legislative office's classification of the record that is the subject
815 of the access denial was erroneous and that the record should properly be classified as
816 public;

817 (ii) changes the classification of the record to public; or

818 (iii) determines that the interests favoring access are greater than the interests
819 favoring a denial of access.

820 (2)(a) The Legislative Records Committee shall:

821 (i) issue a brief written statement explaining the result of the committee's assessment
822 of an access denial on appeal; and

823 (ii) send a copy of the written statement to:

824 (A) the requester;

825 (B) the records coordinator; and

826 (C) the chief officer of the legislative office whose access denial is the subject of the
827 appeal.

828 (b) The Legislative Records Committee is considered to have issued a written
829 statement reaffirming the access denial, and the access denial stands, if the Legislative
830 Records Committee does not issue a written statement within:

831 (i)(A) 20 business days after a hearing under Section L-504, if a hearing is held; or

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

832 (B) 60 calendar days after the filing of a notice of appeal, if no hearing is held; or

833 (ii) a longer period of time than the period of time specified in Subsection (2)(b)(i), if

834 the requester agrees to the longer period of time.

835 (3)(a) The access denial that is the subject of an appeal under this part stands unless

836 the Legislative Records Committee overrides the access denial.

837 (b) A decision of the Legislative Records Committee is final.

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

Appendix A Legislative Management Committee Policy L. Legislative Records Records Retention Schedule

The following is a retention schedule for records maintained by legislative offices. The retention schedule is divided into three types of records -- permanent, scheduled for destruction/deletion, and temporary (review and discard when no longer needed). To the extent that a record is in the control of a legislative office and is listed as permanent or scheduled for destruction/deletion by this retention schedule, the record will be treated as such from the effective date of the retention schedule forward and retroactively when possible.

PERMANENT	House	Senate	OLRGC	Fiscal	Auditors
Journals	✓	✓	✓		
Laws of Utah			✓		
Utah Constitution			✓		
Bill files including introduced bills, amendments, substitutes, and enrolled copies of bills	✓	✓			
Bill files including drafts, research, amendments, introduced and substituted legislation, and enrolled legislation			✓		
Bill status			✓		
Interim committee histories including notices, agendas, minutes, handouts, and audio recordings of meetings			✓		
Standing committee histories including notices, agendas, minutes, handouts, and audio recordings of meetings	✓	✓			
Legal opinions of the OLRGC			✓		
Litigation files			✓		
Fiscal notes and fiscal note research				✓	
Appropriations committee histories including notices, agendas, minutes, and handouts				✓	
Appropriations bill files including drafts, research, and amendments				✓	

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

PERMANENT	House	Senate	OLRGC	Fiscal	Auditors
Auditors committee histories including notices, agendas, minutes, and handouts					✓
Audits including master files of audit reports with working papers, requests for audits, outlines or parts of any audit survey plans or audit programs with working papers, and final audit reports					✓
Publications, <i>e.g.</i> , items published for the public	✓	✓	✓	✓	✓
Audio recordings and video of House and Senate floor debates	✓	✓			

SCHEDULED FOR DELETION/DESTRUCTION	House	Senate	OLRGC	Fiscal	Printing	Auditors
Utah Code Unannotated (1 year)	✓	✓	✓	✓	✓	✓
General correspondence, including constituent letters (shorter of 3 years or when the legislative need ends)	✓	✓	✓	✓	✓	✓
General accounting ledgers including accounts payable ledger, accounts receivable ledger, or other general ledgers (7 years)	✓	✓	✓	✓	✓	✓
Bank deposits, bank statements, check registers, and checks (3 years)	✓	✓	✓	✓	✓	✓
Invoices and warrants (3 years)	✓	✓	✓	✓	✓	✓
Inventory ledger (3 years)	✓	✓	✓	✓	✓	✓
Payroll records (4 years)	✓	✓	✓	✓	✓	✓
Petty cash records (3 years)	✓	✓	✓	✓	✓	✓
Travel expense records (3 years)	✓	✓	✓	✓	✓	✓
Employee records, including promotion reports, retirement, and pension records (65 years after termination)	✓	✓	✓	✓	✓	✓
Accident reports, claims, and statements (5 years)	✓	✓	✓	✓	✓	✓

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

SCHEDULED FOR DELETION/DESTRUCTION	House	Senate	OLRGC	Fiscal	Printing	Auditors
Disability and illness reports (5 years)	✓	✓	✓	✓	✓	✓
Employee applications (shorter of 6 months or when the administrative need ends)	✓	✓	✓	✓	✓	✓
Employee time records (3 years)	✓	✓	✓	✓	✓	✓
Bids and awards (3 years)	✓	✓	✓	✓	✓	✓
Contracts (6 years from date contract is completed)	✓	✓	✓	✓	✓	✓
Research (shorter of 3 years or when administrative need ends)			✓	✓		✓

TEMPORARY	House	Senate	OLRGC	Fiscal	Printing	Auditors
Research requests and results			✓	✓		✓
Electronic messages, including e-mail, voice mail, instant messages, as provided for electronic messages in Subsection 1.2(2) of the Policies and Procedures	✓	✓	✓	✓	✓	✓
Internal policy, procedural, or training documents	✓	✓	✓	✓	✓	✓
Mailing lists	✓	✓	✓	✓	✓	✓
Press releases	✓	✓				
Papers which have short-term use and comprise the background records such as preliminary studies, drafts, analysis, and notes	✓	✓	✓	✓	✓	✓

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

Appendix B
Legislative Management Committee Policy L. Legislative Records

**Schedule of Fees for Filing a Record Request and for a Legislative Office
 Responding to a Record Request**

Fee Description	Amount of Fee for an In-State Request	Amount of Fee for an Out-of-State Request
Filing fee	\$0 (except as provided below)	\$75
	\$50, for a repeat request	
Fee for staff time to identify, gather, segregate, classify, and provide records, including for a preliminary search under Subsection L-301(4)	\$40 per hour after the first two hours (except as provided below)	\$60 per hour
	\$40 per each hour of staff time, for a repeat request	
Fee for electronic delivery of records	\$0	\$0
Fee for photocopies of records	\$.10 per side (black and white) \$.40 per side (color)	\$.20 per side (black and white) \$.80 per side (color)
Fee for faxing records	\$1 per page	\$2 per page
Fee for CD/DVD containing records	\$5 per disc	\$5 per disc
Fee to cover mailing cost	Actual cost, with \$2 minimum	Actual cost, with \$3 minimum
Fee for providing a certified copy of a record	\$10 (in addition to any other applicable fee)	\$10 (in addition to any other applicable fee)