

Selected State Laws Related to Costs and Fees for Responding to Records Requests

Alaska:

- Agency may establish a fee for copying that may not exceed the standard unit cost of duplication
- If the time to produce records for a requester in one calendar month exceeds 5 hours, an agency shall require the requester to also pay the personnel costs to complete the search and copy the records
- Personnel costs may not exceed the actual salary and benefit costs for staff time to perform the search and copying tasks
- Fee waivers or reductions are permitted if agency determines that waiver or reduction is in the public interest

Arkansas:

- Fees may not exceed “actual costs of production”
- Agency may not charge a fee for the agency personnel time associated with searching for, retrieving, reviewing or copying records
- Agency required to provide itemized breakdown of costs
- Agency bears any costs of redaction of records

Colorado:

- Fee established as not more than 25 cents per page or not to exceed the actual cost of providing a record in a format other than a standard page
- Fee may be imposed for research and retrieval only if an agency has adopted a written policy establishing the fee, subject to certain requirements
- There may be no charge for the first hour of staff time
- After first hour, fee may not exceed \$30 per hour
- Provision in statute requires adjustment of fee based on changes in consumer price index beginning 7/1/19 and every 5 years thereafter

Connecticut:

- Fee established as not more than 25 cents per page for executive, legislative and judicial branch entities; other government entities may assess fee of not more than 50 cents per page
- Fee for computer-stored records may include an amount equal to hourly salary of all agency employees engaged in providing the record, including time performing formatting or programming functions, but not including time spent searching and retrieving, unless agency uses another agency or third-party contractor to perform those functions

Delaware:

- Fee established as not more than 10 cents per page (or 20 cents for double-sided copy)
- Additional administrative fee may be charged for requests requiring more than one hour of staff time and may not charge for costs associated with legal review
- Agency must make effort to minimize fees and may only assess such fees as shall be reasonable to process request
- Fees must be billed per quarter hour at the current hourly pay grade of the lowest-paid employee capable of performing the service

Florida:

- Unless fee established by another statute, fee may not exceed 15 cents per page for no more than an 8 ½ by 14 page and no more than an additional 5 cents per page for a 2-sided copy; other formats, fee may not exceed actual costs of duplication
- If the nature or volume of records is such to require “extensive clerical or supervisory assistance by personnel of the agency”, the agency may charge a special service charge
- Special service charge must be reasonable and based on the costs incurred for information technology or labor costs of personnel responding to the request for records

Idaho:

- No fee may be charged for first 2 hours of labor or for copying first 100 pages of paper records
- After that, fee may be set for actual labor and copying costs
- Fees may not exceed reasonable labor costs and must reflect the personnel and quantity of time reasonable to respond to the request
- Fees for labor costs shall be charged at the per hour pay rate of the lowest paid person who is necessary and qualified to process the request
- If request requires redactions to be made by an attorney, then the rate may be no more than per hour pay rate of the lowest paid attorney or the usual and customary rate of the attorney retained if there are no attorneys on staff in the agency

Maryland:

- No fee may be charged for the first 2 hours of staff time to produce the record
- Staff and attorney review costs in calculating actual costs must be prorated for each individual’s salary and actual time attributed to fulfilling the request for records

Montana:

- Fee may not exceed actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible
- State allows fee for time required to gather the record

Nebraska:

- Any fee may not exceed actual cost
- Fee may not include any charge for any existing salary or pay obligation of any public employee first 4 cumulative hours of searching, identifying, physically redacting or copying records
- After 4 hours, special service fee may be charged, except that no charge may be imposed for services of an attorney to review whether records may be disclosed

Nevada:

- Any fee may not exceed actual cost unless other fee established by statute
- Actual cost defined as “the direct cost incurred by the government entity in the provision of the public record, including without limitation the cost of ink, toner, paper, media and postage. The term does not include a cost that the government entity incurs regardless of whether or not a person requests a copy of the public record or not.”
- ~~Additional fee authorized if the request would require government entity to make “extensive use of its personnel or technological resources”; additional fee may not exceed 50 cents per page and must be reasonable and based on costs that are actually incurred~~ **[REPEALED IN 2019]**

Rhode Island:

- Charge for copying may not exceed 15 cents per page; if provided in other formats, fee may not exceed reasonable actual cost
- Reasonable charge permitted for search and retrieval not to exceed \$15 per hour after first hour

South Carolina:

- Reasonable fee may not exceed actual cost of search, retrieval and redaction of records
- Fee for search may not exceed prorated hourly rate of lowest paid employee who has necessary skill and training to perform the request
- The public body shall develop a fee schedule to be posted online
- Fees charged by a public body must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies

South Dakota:

- Staff time may be charged after first hour
- Requester may be required to pay the cost of staff time necessary for location, assembly or reproduction of record
- Authorizes the adoption of rules to set maximum rate or formula for reproduction and retrieval costs

Vermont:

- Agency may charge and collect the cost of staff time associated with complying with a request if the time exceeds 30 minutes
- Amount that be charged for staff time must be established in rule