



Procedure 4.4: Production of Public Records for Inspection and Charge for Copies of Public Records

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I. PURPOSE

The Alabama Open Records Act, ALA. CODE §36-12-40, grants Alabama citizens the right to inspect public records. In conformance with this Alabama A&M University procedure, public records may be inspected at no charge. Alabama A&M University charges reasonable fees to supply copies of public records as outlined in this procedure.

II. DEFINITIONS

1. “Labor” means the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
2. “Production costs” means all reasonable costs the university incurred to produce the public records requested by the requesting party. Production costs include copying costs, labor costs, and delivery costs, as described in this procedure.
3. “Public record” means any record of the university that is required to be open to inspection under the provisions of Alabama law and United States law. The Office of General Counsel reserves the right to determine if an exclusion exists under state or federal law and whether the exclusion applies to the requested documents.
4. “Public Records Designee” or “PRD/GENERAL COUNSEL” means the university employee who receives and coordinates public records requests and maintains documentation of public records requests, responses, and charges. The PRD/GENERAL COUNSEL shall be the University General Counsel.

5. "Requesting party" or "Requestor" means the person or business entity requesting to inspect and/or copy public records. Individual requestors must provide proof of Alabama citizenship by submission of official proof of U.S. Citizenship and official proof Alabama residency prior to inspecting and/or receiving copies of public records at the University. The following documents shall constitute proof of U.S. Citizenship: (1) official birth certificate confirming birth in the U.S. or a U.S. Territory; (2) official U.S. Passport certifying citizenship; or (3) official Social Security Card. An official government issued photo ID listing an Alabama address (e.g., drivers' license or military ID) shall constitute proof of Alabama residency. Business requestors must provide official proof of the company's current registration with the Alabama Secretary of State's Office as an official business entity in the state. In the case of individuals who are not residents of Alabama and businesses that are not registered with the Alabama Secretary of State's Office, proof of identification and/or registration of the entity is required prior to release of information.

III. PRODUCTION OF PUBLIC RECORDS

The PRD/GENERAL COUNSEL or his/her designee shall make available for inspection any public record not specifically exempt from disclosure as soon as possible, but to the extent practicable, no later than ten (10) business days after receipt of a written request. The PRD/GENERAL COUNSEL shall have ten (10) business days to process the request. In the event it is not practicable for the record to be available for inspection ten (10) days after receipt of the requestor's request for the documents, the PRD/GENERAL COUNSEL shall:

- i. Deny the request in writing. The response shall include the basis for the denial; or
- ii. Furnish the requestor with written notification stating the time reasonably necessary to produce such record or information.

The following personally identifiable information contained in any records subject to public access via inspection and/or copying pursuant to this procedure shall be redacted prior to disclosure: home and/or cellular telephone numbers; home address; bank account information; social security number; driver license information except where driving or operating a vehicle is part of an employee's job description or job duties or incidental to the performance of the employee's job; and the same information of family members or household.

IV. COPYING COSTS

1. Hard Copy Charges

The charge for copies of public records by photographic or other means is as follows:

- i. Black and White Copies – \$1.00 per page
- ii. Color Copies - \$1.25 per page

The schedule sets a per page fee for copying that does not include labor charges as described below.

2. Electronic Copy Charges

- i. Actual cost of the device (e.g., thumb/jump drive, CD-Rom, etc.) on which the electronic records are saved/stored to provide to the requestor. Production of requests for electronic copies of public records will be processed by provision of the requested electronic records on a stand-alone device (e.g., thumb/jump drive, CD-ROM, disk, etc.). The university will not produce electronic copies of public records via electronic mail transmission.
- ii. If the requested records exist electronically, but not in the format requested or a new or modified computer program or application is necessary to put the records in a readable and reproducible format or it is necessary to access backup files, the PRD/GENERAL COUNSEL shall charge the requesting party the actual costs incurred in producing the records in the format requested or in creating or modifying a computer program or application necessary to put the records in a readable and reproducible format or in accessing backup files.

Electronic records will be produced only in a read-only format.

IV. LABOR COSTS

The PRD/GENERAL COUNSEL may charge the requesting party the hourly wage of the employee(s) reasonably necessary to produce copies of the requested records. The "hourly wage" is based upon the employee(s) base salary and does not include benefits. In calculating the labor costs to be charged to the requesting party, the PRD/GENERAL COUNSEL shall:

1. First, determine the number of hours each employee spent producing the requested public records.
2. Second, subtract a one (1) hour threshold from the number of hours the highest paid employee spent producing the request.
3. Third, multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage; and
4. Fourth, add together the totals for all the employees involved in the request to determine the total amount of the labor costs to be charged to the requesting party.

V. DELIVERY COSTS

The PRD/GENERAL COUNSEL shall charge the requesting party for the costs incurred by the PRD/GENERAL COUNSEL in delivering the records to the requesting party, in addition to any other charge permitted by this procedure.

1. Delivery of copies of records to a requestor is anticipated to be by hand delivery in the form of pick up by the requesting party.
2. In the discretion of the PRD/GENERAL COUNSEL, copies of public records may be delivered through other means such as the U.S. Postal Service.

VI. PAYMENT

If the requesting party requests copies of public records, the following provisions concerning payment of production costs shall apply:

1. The PRD/GENERAL COUNSEL shall provide the requesting party an estimate of the production costs before initiating the production of copies of the requested public records.
2. The PRD/GENERAL COUNSEL may require payment in full of all production costs before copies of public records are delivered or otherwise made available to the requesting party.
3. Production costs must be paid by cash, money order, or cashier's check. Cash payments must be for the exact amount of the publication costs.
4. The university business office will provide a receipt to the requesting party upon receipt of payment of the productions costs.

VII. WAIVER OF PRODUCTION COSTS

The PRD/GENERAL COUNSEL is authorized in its discretion to waive payment for providing copies of public records on a case to case basis, subject to the approval of the President.

VIII. REQUESTS FOR COPIES FOLLOWING INSPECTION

The PRD/GENERAL COUNSEL shall not assess a charge to inspect public records, unless otherwise required by law. However, if the requesting party, after requesting to inspect public records, requests copies of public records, the PRD/GENERAL COUNSEL shall charge the requesting party for all production costs.

AUTHORITY: Alabama Open Records Act, ALA. CODE §36-12-40