

Subject: COST RECOVERY FOR RELEASE OF PUBLIC DATA

Date: May 17, 2017

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Replaces Policy Dated: April 2, 2003

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:

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

- Sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale, or
- Obtaining of names and addresses from such public records, for the purpose of solicitation, or
- 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.

HIPAA: Health Insurance Protection and Accountability Act.

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.

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

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.

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.

COST RECOVERY

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.

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.

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 forms to be used when making public records requests are:

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