

GRAMA and fees

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Legislative intent

- Public's right to easy and reasonable access
 - Guidelines based on weighing of interests
 - Favor access when interests are equal
 - Establish fair and reasonable... practices

Utah Code 63G-2-102



Fees are established

By the Legislature

--- through Budgetary Procedures Act

By ordinance or formal written policy

--- adopted by political subdivision's governing body

Fees for records requests

Actual cost of
producing a record

May charge a
reasonable fee

Executive
officer
approves

Actual cost includes:

Cost of staff time for
compiling, formatting

Cost of staff time for
search and retrieval

Incremental cost of
electronic services

Salary of lowest paid
employee with skill

No charge for first
fifteen minutes

Reasonable portion of
formatting costs

Executive
officer
approves

When to waive fees:

MAY fill the request without charge and encouraged to do so

Releasing record benefits the public

Requester is subject of the record

Impecunious requester legal rights

Executive officer approves

May not charge:

Actual cost of
providing a record

Reviewing record to
determine disclosure

For inspecting a
record

May not charge:

Actual cost of
providing a record

Reviewing record to
determine disclosure

For inspecting a record

Government is not required

Create a record

Compile, summarize,
tailor, manipulate,
package, format

May if it does not
interfere with
business and
requester pays fees



Government is not required

Create a record

Summarize, tailor,
manipulate, reformat

May if it does not
interfere with business
and requester pays fees

Prepayment can be required

Fees are expected to
exceed \$50

Requester did not pay
for previous requests

May if it does not
interfere with
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GRAMA teeter totter



State Records Committee interprets GRAMA

Denials of requests for fee waivers can be appealed in the same way as denial of requests for records.



Legislative body shall:

shall review the fee waiver de novo

shall review and consider the
governmental entity's denial

Resolution through mediation



- Fees compromise

Questions?

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