

ACCESS TO PUBLIC RECORDS PROCEDURES

The School District of Colby establishes the following procedures regarding the release, inspection, and/or reproduction of public records:

- A. After receipt of any written request for access to the public records of the District, the official legal custodian will attempt to make such records available as soon thereafter as practical. In any event, every request shall be responded to within five (5) working days.
- B. If a request is denied, it will be denied in writing not later than five (5) working days after the request had been made. If a public record cannot be made available within five (5) working days, the official legal custodian will inform the requestor when the record can be made available.
- C. If any records of the District are requested which are necessary for the day-to-day operation of the District, then the official legal custodian may arrange for the records to be inspected after normal working hours.
- D. If the official legal custodian determines that portions of any records requested contain information which should not be released, the custodian will edit such records to remove material not to be released and thereafter release the balance of the document.
- E. Provide the local public official with notice that satisfies the requirements of the Open Records law within three (3) business days of the decision to release. It is recommended that the notification be prepared by legal counsel and be either personally served (document this) or sent certified mail with a return receipt requested (to confirm date of receipt). Upon receipt of the notification, the local public office holder has five (5) business days to "augment the record to be released with written comments and documentation selected by the record subject requested record". Five (5) business days after receipt of the notice by the local public official, release the records in accordance with the open records process, including any augmented records such as comments or documentation by the local public official.
- F. Any requests for computer records of the district will be referred by the official legal custodian to the individual in charge of the equipment involved to determine the cost of any computer search, printing charges, and possible time available on the machine. Since computer time can be expensive, computer information will not be provided until the person requesting the information is informed of the estimated costs.
- G. The District will not respond to oral request for records of the District; therefore, all requests for any records of the District must be submitted in writing to the official legal custodian.
- H. Any written request for a record must reasonably describe the record or information sought. If the official legal custodian cannot reasonably determine what record or what information is being requested, the request shall be denied in writing and the reason for the denial shall be stated in the written denial.
- I. Any person shall have not only the right to inspect the records of the District, but also the right to receive a reproduction of such records. In the event that a person files a written request for reproduction of any of the records of the District, that person shall be informed of the costs of locating and reproducing such records. Fees charged by the District relative to the costs of producing any of the records of the district are as follows:

FEE SCHEDULE

1. Costs of Locating Documents

Since most of the District's records are readily accessible or can be located in a relatively short period of time, there will be no fee imposed upon any person who makes a request to inspect a record if the cost of locating that record does not exceed \$50.00.

Some of the records of the District are in off-site storage, archived, not in the District's computer, or otherwise are not immediately available. In those cases where a record is not readily available for whatever reason and where it appears that the cost of locating a record will exceed \$12.00, the official legal custodian will seek the prior written approval of the requestor before proceeding. In addition, the custodian will endeavor, but will not be required, to provide an estimate of the total anticipated cost of locating the record. The District will determine the cost of locating a record by using the hourly rate of \$12.00/hour for employees involved in attempting to locate the record.

2. Record Reproduction Expenses

Costs for copying and reproducing records where equipment is available:

- a. \$.20/page
- b. If more than five (5) pages are to be copied, then a charge of \$12.00/hour shall be paid in advance by the person making the request on a ¼ hour basis.
- c. The actual cost to the District of the tapes, disks or other media used for reproduction shall also be paid by the person making the request.

Costs of reproduction of records where equipment is not available within the District:

- a. If equipment necessary for a reproduction is not available within the District, then the District will rent whatever equipment is necessary to perform the function and will bill the requestor for such rental fee. The cost charged will be the actual cost paid by the District to the third party vendor.
- b. Items in such a situation would include, but would not be limited to, audio or video tape reproduction equipment, microfilm, fiche, or ultra fiche reproduction equipment, assorted computer hardware and software.

3. Disputes

The official legal custodian of the records of the District shall report any disputes which arise under this fee schedule to the Board of Education and shall recommend to the Board such modifications and revisions as he/she deems necessary.

4. Payment of Fees

- a. The official legal custodian of the records of the District may require the payment of costs provided herein in advance.
- b. The official legal custodian of the records of the District may, in his sole discretion, elect to waive the imposition of the costs provided for herein.