

# 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 business and requester pays fees

# Prepayment required

Fees are expected to exceed \$50

Requester did not pay for previous requests

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

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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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