#2015-85

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State Records Committee,

On 8-10-15 I submitted a GRAMA request to UDC for emails of various UDC employees. I requested that Google Vault be searched for responsive emails. Google Vault is the only way to ensure all relevant messages are provided, even if the individual user has deleted the email. I was told that the Department will charge $13 per hour to fulfill this request. This is in addition to the $10 fee for a CD.

UCA §636-2-203(2) provides that a "per hour fee may be charged to compile a record in a form other than that normally maintained by the governmental entity. The records I've requested are electronic in nature and I've asked they be provided in the same form. UCA §636-2-203 (5) states: "A governmental entity may not charge a fee for: (a) reviewing a record to determine whether it is subject to disclosure". Accordingly I should not be charged a per hour fee. Moreover, I've already paid $10 for the production of a CD which didn't satisfy the request.

I was also informed that I must pre-pay before the Department will fulfill my request. UCA §636-2-203(8) is very clear that pre-payment of fees shall only be charged if the fees are expected to exceed $50, or the requester has not paid for previous requests. I meet neither of these conditions and shouldn't be forced to pre-pay for this.

I would like to request a hearing where I can address the unnecessary charge of unjustified fees. I already have another pending hearing for a similar request regarding obtaining emails for various UDC employees. For

this reason I'd like to request that these two hearings be combined.

Respectfully,

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