



**North Carolina
Department of Environment
and Natural Resources**

P O L I C Y

Section: Office of the Controller

Number:

Subject: Charges and Payments for Public Records

Approved By: DENR Secretary and IRMB

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POLICY STATEMENT:

100. Background

The Department of Environment and Natural Resources has a continuing commitment to follow the provisions of the state's laws on access to public records. That commitment includes establishment of a Department policy on fees and payment provisions used in recovery of the direct costs associated with providing copies of public records.

State statutes do not specify what charges are to be made for copying public records -- only that they be "reasonable" and recover "actual costs" of copying. DENR, accordingly, will establish its policy for copying charges based on expenses that are directly involved in providing public records.

200. Charges

The Table below details price per page, based on volume. These charges are the same, whether the Division possessing the public record does the copying or requires the requester to make the copies sought. The price assumes the requestor uses the department's copying equipment.

A page in these guidelines refers to "a single impression." For example, if a double-sided original is copied, two (2) impressions would have been made and the charge would be for 2 pages.

Table 1: Photocopy Expenses

VOLUME	PRICE PER PAGE
less than or equal to 25 pages	Free
greater than 25 pages	2.5 cents per page

A. General Policy on Charges

1. All public records should remain in the control and possession of the Custodian of those records.
2. Where data has been gathered and provided according to Federal mandates, Federal policy guidelines on copy charges override Department policy.
3. On requests for "special case" copies (oversized maps, high resolution copies, color copies), the Division/Section/Office providing the copies may charge a fee consistent with the direct costs of the copying. That cost shall be determined by the Division that possesses the public record.

B. Electronic Data

The direct costs associated with providing electronic copies of public records will vary depending on the media (method) used to prepare and distribute the data and on the time required by the data analyst to extract and/or format the data. In addition, a charge may be made for processor time and storage for data on the SIPS mainframe.

Table 2: Direct Costs of Requests for Electronic Data

Media				CPU*		Storage*	Analyst
Diskette	Tape	CD-ROM	Print-Out	Internet FTP	Batch	On-Line	
\$0.86/ disk	Varies with type of reel	\$15/ CD	Laser: \$0.04/ page Impact: \$1/1000 lines	Free	\$5/ CPU minute	\$23/ CPU minute	\$0.0064 per megabyte per day \$72/ hour

* Assumes data exists on SIPS mainframe. Rates are subject to change as rates change at SIPS.

C. Postage and Shipping

Postage and shipping charges will be the direct costs charged by the U.S. Mail Service and

courier services; shipping to include materials used for mailing.

D. Payments

1. Prepayment may be required of requestors seeking copies of public records.
2. Each Division/Section/Office responding to requests for public records will take care of its own collections and maintain its own billing records in accordance with the State and Department Cash Management Plan.
3. When photocopies or electronic copies of public records are made by the custodian on-site with the requestor present, payment is to be made immediately upon the completion of the copying.
4. A Custodian may require prior payment for data distributed off-site (by mail or otherwise shipped.)
5. If a requestor is more than 30 days past due on payment, then the custodian may deny further requests by the same requestor for information until the balance is paid. The Custodian may refer any debts incurred for copying of public records that remain uncollectible through the DENR Controller's Office to the Attorney General's Office for collection.
6. Payment may be made (at the discretion of the Division) by check, certified check, money order, or cash. A receipt will be provided upon request for all cash payments received. A receipt will be provided upon request for all payments made by certified check, check, or money order.
7. Checks and money orders for payment of copies of public records must be made payable to: "DENR (Division Name or Section Name)" (e.g. DENR/Water Quality)
8. Receipts for funds paid for copies of public records should be deposited at least once each week; receipts in excess of \$250 must be deposited within 24 hours of collection.

E. Accounting and Budgeting

1. Revenue generated by the sale of copies of public records must be used only to directly offset the allowable expenses of preparing and distributing public records.
2. Receipts collected by any Division/Section/Office will be placed in the appropriate account and center codes. Below are recommended revenue accounts and associated types of receipts.

434132001	Data Processing Services	CPU, Storage, Analyst Charges
434134	Printing, Binding, and Duplication Services	Photocopies

434310	Sale of Publications	Pre-printed maps, documents
43490	Other Sale of Goods	Printout, media

3. The Office of State Budget may, at its discretion, establish a specific account to hold and disburse receipts associated with charges for copying of public records.

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