

MONTANA UNIVERSITY SYSTEM
PUBLIC RECORDS REQUESTS RESPONSE GUIDELINES AND FEE SCHEDULE

I. Purpose

To provide guidance and a consistent response to public records requests, the Montana University System has adopted these guidelines.

Nothing herein will override a right to privacy or matters of individual or public safety provided by the Montana Constitution, statutes, and rules addressing confidentiality, or other rulings addressing privacy and safety protections.

II. Scope

These guidelines will guide the response to public records requests on all campuses of the Montana University System.

III. Processing Public Records Requests

A. All public records requests made as a “Freedom of Information Request (FOIA)” or “Right-to-Know Request” must be in writing and from a person with a physical address. Names of individuals requesting public records are public information. Requests must be made to a designated contact person.

B. After receiving a public records request, the designated contact person will acknowledge receipt of the request within five business days. The Office of the Commissioner and each campus will identify the office to which these requests are sent for review. Requests will receive a response in a timely manner, which may be:

1. within 5 days of the request if the request is for a single, specific, clearly identifiable, and readily available record;
2. within 90 days of acknowledgement of the request for information that cannot be readily identified and gathered; or
3. within six months if the Office of the Commissioner or the campus determines 90 days is not feasible and provides the requesting person written notice of that determination.

C. Most public records requests require legal review to determine if there are matters of individual privacy contained in the records and to determine whether the records requested constitute public records under the Montana Constitution and related statutes. The nature of the request and the volume of work will be factors in deciding whether to charge legal fees. Legal Counsel may add a disclaimer to the release of information. Pursuant to § 2-6-1006(1)(c), a fee for fulfilling a request may be charged to the requestor. The fee may not exceed the actual costs directly incident to fulfilling the request and must be documented.

D. All expenses must be reimbursed based on the actual cost of fulfilling the public records request, not on estimated costs. Payment for records requests must be received by the responsible office and the check cleared prior to the release of the information. The requestor must be informed if the fulfillment of the request is projected to exceed the estimated costs and must agree in writing to the new estimate before work continues.

IV. Protection of Records

OCHE and the campuses must maintain the integrity of original records. If requested records might be altered, stolen, or are irreplaceable, staff must supervise (no fee associated) the examination and copying of the records by the requestor.

V. Protection of Privacy and Safety

OCHE and the campuses will provide access to and/or copying of unprotected Department records. Records and materials that are confidential, privileged, or otherwise protected from disclosure are not available to the public (§§ 2-6-1003, -1006(3), MCA). Records may be redacted or a request for records may be denied if there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets (§ 30-14-402(4), MCA) or if information is subject to a legal privilege or relates to individual or public safety. A written explanation for denying the information request will be provided.

VI. Covered Charges and Actual Costs

Attachment A contains the fee schedule for public records requests.

Attachment A Fee Schedule

Photocopying Charges	
Per page	\$0.35 (Staff time spent on copying is included in the per-page charge.)
Records recalled from offsite storage	Actual cost
Staff time to prepare materials for copying	\$15.92 per hour
If the request is for an extraordinarily large volume of printed material, copies may be made by Print and Mail Services on campuses	Actual cost
If appropriate, a requesting party may bring a copier, scanner, or personal computer onsite to make copies.	No charge
Electronic Media Copies	
Staff time for copying electronic files	\$15.92 per hour after first half hour ¹
Electronic media	Actual cost
Mainframe and mid-tier processing charges, including processing time, transmission time, and report writing charges	Actual cost
Legal Review	
Legal review and/or redaction of information	\$60.57 per hour after first half hour ²
Other Rates	
Custom computer programming	\$26.36 per hour after first half hour ³
Research and/or analysis whether involving paper or electronic records	\$25.31 per hour after first half hour ⁴
E-mail restore	At cost
Other Information Technology services	At cost

¹ Based on mid-point 2012 salary survey for Band 3 Administrative Assistant

² Based on mid-point 2012 salary survey for Band 8 Attorney

³ Based on mid-point 2012 salary survey for Band 6 Computer Programmer

⁴ Based on mid-point 2012 salary survey for Band 6 Management Analyst