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Section I:	General Government and Administration
Policy 14:	Public Records Fee Policy
Reviewed by:	County Attorney
Approved by:	County Manager
Original Effective Date:	July 16, 2018
Revisions:	July 31, 2024

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## **Policy Statement**

It is the intent of Orange County that all public records in its possession be available to the public as required by North Carolina Public Records Laws. It is further the intent of the County that small routine requests should be produced at no cost to the requesting party with the understanding that all public records production has associated costs to the County and costs associated with large requests should be recovered when possible.

## **Purpose**

To provide a means by which costs may be recovered for large volume public records requests.

## **Applicability**

Applies to all public records requests directly filled by County staff.

## **Cost and Process**

14.1 For the purposes of this Policy, the following applies.

(a) **Actual cost** is the sum of the direct, chargeable costs related to the copying and production, as determined by generally accepted accounting principles, but excluding costs that would have been incurred if a request to copy the record had not been made.

(b) **Burdensome copying** is copying, compiling, or producing records in response to a request that requires extensive use of information technology resources or extensive clerical or supervisory assistance by personnel. Such costs may include Personnel Costs. As authorized by North Carolina General Statute 132-6.2(b) an additional fee will be added to burdensome copying. The amount of the fee will equal the dollar value of the personnel costs required for such extensive labor by personnel together with the cost for any excessive use of information technology resources. Burdensome copying, compiling, or producing records will not be considered until all associated costs are paid by the requesting party.

(c) **Larger than standard size copy** is an original page wider than 11 inches or longer than 17 inches. Such sizes typically will incur additional costs including staff time. These costs must be paid by the requesting party before the records are produced.

(d) **Electronic Production** is producing records using any electronic or digital format that does not use a photocopy machine to produce copy images.

(e) **Personnel Costs** related to burdensome copying are determined at an hourly rate equal to the gross hourly wages and benefits of the employee(s) who worked on the applicable records production multiplied by the number of hours worked by the employee(s) during the production (labor costs). For

extremely large requests temporary personnel may be employed for the sole purpose of producing the records and the costs of such temporary personnel will be borne by the requesting party.

(f) **Standard size copy** is an 8.5 x 11, 8.5 x 14, or 11 x 17-inch copy made from an original page that is not longer than 11 inches in one dimension and not longer than 17 inches in the other dimension.

14.2. All fees established by this Policy shall apply to any person who requests copies of County records, other than persons acting on behalf of the County.

14.3. Except as provided otherwise, the following costs shall be assessed for production:

<i>Ink on copy</i>	<i>Size of paper of copy (inches)</i>	<i>Hardcopy fee per page (Includes electronic retrieval costs)</i>	<i>Electronic Production fee per page</i>
black	8.5 x 11	\$.05	\$.02
black	8.5 x 14	\$.06	\$.02
black	11 x 17	\$.07	\$.02
color	8.5 x 11	\$.10	\$.02
color	8.5 x 14	\$.11	\$.02
color	11 x 17	\$.12	\$.02

(a) The Manager finds that the amounts listed in this section are the actual costs of producing records in hard copy. Copying will generally be made 2-sided when reasonably practicable. A 2-sided copy shall be charged as two pages. These costs may be updated if and when they change without further approval of the Manager.

(b) The per page cost includes the cost of paper (hard copy production only) plus the cost of specialized information technology resources.

(c) Emails, inclusive of attachments, are estimated to contain 6.5 pages per megabyte of data.

(d) In order to maintain budgetary control and to prevent unnecessary expenditure of funds, large volume public records requests should not be completed until the requestor has paid all fees associated with the request.

14.4. County staff shall charge fees for copying larger than standard size originals. The fees shall be in amounts equaling the actual cost.

14.5. In addition to all other applicable fees, there shall be a fee of \$2.00 charged per certification by the Clerk to the Board.

14.6. Per page fees shall be waived when the request produces 100 or fewer pages.

(a) **Cumulative Requests.** Should a requesting party or group initiate multiple small requests that exceed 100 total pages, fees will be charged as provided herein for all requests for records received from that party or group after the 100-page threshold is reached.

**This policy may be reviewed annually and updated as needed by the Attorney’s Office subject to final approval by the County Manager.**