

LOCAL FINANCE NOTICE

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Review of Open Public Records Act Copy Fees

A recent increase in questions concerning fees government agencies can charge under the Open Public Records Act warrants a reminder to local units about OPRA requirements and fee options. Custodians are urged to consult with legal counsel when imposing special service charges. The following are the requirements of OPRA:

1. **Routine copy charges for printed documentation (N.J.S.A. 47:1A-5b):**

- a. First page to tenth page - \$0.75 per page,
- b. Eleventh page to twentieth page - \$0.50 per page,
- c. All pages over twenty - \$0.25 per page.

If a public agency can demonstrate that the actual cost exceeds the foregoing rates, the agency shall be permitted to charge the actual cost of duplicating the record. However, that actual cost shall not include labor or overhead costs associated with the copy except as provided in #2 below.

In the cases of municipalities, rates for duplication of particular records when the actual cost of copying exceeds the routine copy charges above shall be established in advance by ordinance. (N.J.S.A. 47:1A-5c)

2. **Special service charges (N.J.S.A. 47:1A-5c):**

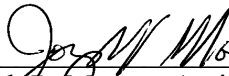
If printed matter cannot be copied by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge a special service charge that is reasonable and based upon the actual direct cost of making the copies. Such charges are in excess of those referenced in #1 above. The requester shall have the right to review the charges in advance.

3. **Rights to copies of documents in particular mediums (N.J.S.A. 47:1A-5d):**

Requesters have the right to request documents in mediums other than those used by public agencies to maintain the records. If a request involves a request for a record involving the following, the agency may charge a special charge that is reasonable and based on the cost of extensive use of information technology, or for the labor cost of personnel providing the service and that is actually incurred by the agency or attributable to the agency for the programming, clerical and supervisory assistance required, or both:

- a. A request for a medium not routinely used by the agency,
- b. A request that is not routinely developed or maintained by an agency, or,
- c. A request that requires a substantial amount of manipulation or programming of information technology.

Please contact your local legal counsel or the Government Records Council (grc@dca.state.nj.us) with questions concerning these issues. Additional information on OPRA is available on the GRC web site at www.nj.gov/grc. Custodians can also subscribe to the GRC e-mail distribution list at www.nj.gov/grc/subscribe.htm



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Division of Local Government Services

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