

**PUBLIC RECORDS REQUEST  
INFORMATION AND INSTRUCTION SHEET**

**General**

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record or other matter during regular office hours (8:00 a.m. to 5:00 p.m., Monday - Friday).
2. To request inspection and/or copies, printouts or photographs of public records or other matters, please complete the attached PUBLIC RECORDS REQUEST form and present it to the District custodian of records ("District Custodian"). Please be specific so that the records can be easily identified.
3. Public records may be located in various locations within the District. The request will be processed promptly based on the nature and extent of the request. If more than ten (10) working days will be needed to process the request, you will be so notified.
4. Persons wishing to personally examine original records may be asked by the District Custodian to return at a mutually-convenient time between the hours of 8:00 a.m. and 5:00 p.m. during a week-day for that purpose.

**Non-Commercial Requests**

1. Persons making public records requests must certify that the requested records will be used for either a commercial or a non-commercial purpose.<sup>1</sup>
2. Persons requesting access to public records in the custody of the District for non-commercial purposes shall pay charges established by the District from time to time, including:
  - (A) Costs of materials and supplies used to provide copies of paper, audiotape, videotape, microfilm, computer or electronic based records (including copies made for purposes of redacting, faxing, scanning, etc.);
  - (B) Costs of labor to prepare copies (but not labor to search for records). Labor costs may include, consultant costs, etc. to scan, redact, or translate data involved with electronic public records and other matters in the custody of the District;
  - (C) Postage costs; and

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<sup>1</sup> If the person making the request obtains records for a commercial purpose without indicating the commercial purpose, or if he/she obtains the records for a non-commercial purpose and then uses or allows the use of the records for a commercial purpose, he/she will be liable for damages in the amount of three (3) times what the District could have charged had it known about the commercial use, plus costs and attorneys fees. [ARS §39-121-03(C)] If a false statement is given, the person making the request could also be guilty of a felony. [ARS §39-161]

- (D) Other unique production-type costs.<sup>2</sup>

### **Commercial Requests**

Persons requesting access to public records or other matters in the custody of the District for commercial purposes shall pay charges established from time to time by the District, including:

1. Cost to the District for obtaining the original or copies of the requested public records;
2. A reasonable charge for the cost of time, equipment and personnel in producing such reproductions; and
3. The value of the reproductions on the commercial market.

Factors to be considered in determining the amount charged are: the time expended in retrieving the public records; transportation costs, if any; and the actual cost to the District in terms of special equipment or processing required.

If the District Custodian believes that the commercial purpose of a reproduction is a misuse of public records or an abuse of the right to receive them, he/she may request the Governor to prohibit the furnishing of reproductions for such commercial purposes by Executive order.  
[ARS §39-121.03(B)]

### **Payment Procedure**

As a general rule, estimated charges shall be paid by persons making public records requests prior to delivery of the requested records or other matters. Charges shall be payable to the District by cash, debit or credit card (if the District has established a process to do so), or certified funds. Nothing herein shall preclude the District from billing charges at or after delivery of the public records to (and accepting non-certified funds from) persons making requests whose corporate or similar legal status or history of prior payment for such requests are reasonable indicators that payment will be received. In the event of non-payment by persons making requests within the reasonable time specified by the District, the District shall not deliver subsequently-requested records or matters until payment has first been received for earlier records.

### **Denial of Access to Records**

Access to records in the custody of the District shall be denied when:

1. The records are made non-public, private or confidential by Arizona or Federal statute;
2. The records otherwise involve privacy interests of persons; or
3. Public access to the records would be detrimental to the best interests of the State (including the District).

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<sup>2</sup> If the District is producing documents pursuant to a subpoena in a civil action to which the District is not a party, the charge is prescribed by A.R.S. §12-351.

When non-public, private, confidential, or otherwise protected records are commingled in a single document with public records, a copy of the document may be made available for public inspection and copying with the non-public, private, confidential, or otherwise protected matter redacted. If non-public, private, confidential, or otherwise protected records have been attached to otherwise public records, the non-public, private, confidential or otherwise protected records so attached may be removed.

Upon receipt of a Request Form, the District Custodian shall make a preliminary determination as to whether the requested records or other matters are wholly or in part nonpublic, private, confidential, or otherwise protected. In the event either determines that the requested records or other information (or parts thereof) are non-public, private, confidential, or otherwise protected, he or she may redact the non-public, private, confidential, or otherwise protected material and release the remainder to the requestor. In the event the District Custodian is uncertain as to the correct redactions or determines that the requested records or other matters are wholly non-public, private, confidential, or otherwise protected, he or she shall forward the Request Form to the District's attorney for review.

Any complaint or dispute related to the processing of requests for access to records under this policy should be directed, in writing, to: Fire Chief, 3561 E Deuce of Clubs, Show Low, Arizona 85901.