



STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT


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October 3, 2007

MEMORANDUM

TO: Chief Financial Officers

FROM: David T. McCoy 

SUBJECT: Reproduction Cost for Requested Public Records

In order to provide a consistent statewide methodology for calculating the actual costs for reproduction of requested public records, the following information is provided for your agency's use.

Allowable cost

N.C.G.S. § 132-6.2 authorizes an agency to charge a fee when a request is made for copies of public records. The agency is allowed to charge only the actual cost of duplication. A special service charge can be added when the request results in extensive use of staff or information technology resources.

§ 132-6.2. Provisions for copies of public records; fees.

“...(b) Persons requesting copies of public records may request that the copies be certified or uncertified. The fees for certifying copies of public records shall be as provided by law. Except as otherwise provided by law, no public agency shall charge a fee for an uncertified copy of a public record that exceeds the actual cost to the public agency of making the copy. For purposes of this subsection, "actual cost" is limited to direct, chargeable costs related to the reproduction of a public record as determined by generally accepted accounting principles and does not include costs that would have been incurred by the public agency if a request to reproduce a public record had not been made. Notwithstanding the provisions of this subsection, **if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or if producing the record in the medium requested results in a greater use of information technology resources than that established by the agency for reproduction of the volume of information requested, then the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services, or for a greater use of information technology resources that is actually incurred by the agency or attributable to the agency.** If anyone requesting public information from any public agency is charged a fee that the requester believes to be unfair or unreasonable, the requester may ask the State Chief Information Officer or his designee to mediate the dispute...” (Emphasis added.)

Methodology

There may be more than one methodology for determining actual duplicating costs. For example, if an agency has one machine for document reproduction then the actual cost would be determined for that machine, but when an agency has several machines used for reproducing documents for the public, the agency can opt to identify the actual cost of all machines (excluding special copiers i.e. color, high resolution, plotter) and then average those costs.

Cost Elements:

Major elements included in the actual cost of reproducing documents include, but are not limited to, paper, toner, developer and/or maintenance agreements. The industry standard is to include the cost of toner and developer in the maintenance agreement; therefore these costs may not need to be included in the calculation when a maintenance agreement exists.

When a request requires special resources, additional actual cost should be identified and included in the fee charged for those copies. Special resources may include but are not limited to, oversized paper, color copies, or the use of plotter printers. A special service charge for labor and information technology resources can be charged only when the request requires an extensive use of these resources. When this occurs the agency must base the charge on actual cost incurred by personnel or information technology resources.

If you have questions, please contact your budget analyst.

DMc/db