

Appendix IV

INSPECTION OF PUBLIC RECORDS ACT COMPLIANCE CHECKLIST

Designation of Custodian of Public Records (§ 14-2-7)

Each public body must designate at least one Custodian of Public Records to:

- _____ Receive and respond to requests to inspect records; and
- _____ Arrange proper and reasonable inspection opportunities; and
- _____ Provide facilities for making copies of records or furnish copies of records to the requestor.

Notice of Inspection Rights and Responsibilities (§ 14-2-7)

Each public body must post in a conspicuous location at its administrative office and on the public body's website a notice that sets forth:

- _____ The right of any person to inspect the public body's records and the public body's responsibility to make public records available for inspection; and
- _____ The procedures for requesting inspection of public records; and
- _____ The procedures for requesting copies of public records; and
- _____ Reasonable fees for copying public records.

Response to a Request to Inspect Public Records (§ 14-2-8)

Oral Requests:

- _____ If a request to inspect public records is made orally, the custodian should respond to the request, but the Act's procedures for handling requests do not apply.

Written Requests:

A written request is a printed, email or facsimile communication.

- _____ If the request is written, the records custodian should determine whether the public body has possession or responsibility for the records requested.

If the public body does *not* have custody or responsibility for the records, the custodian must:

- _____ Forward the request to the proper custodian, if known; and
- _____ Notify the requester that the records are not in the custody and control of the custodian, state

where the records are located, and provide contact information for the proper custodian, if known.

If the public body *does* have custody or responsibility for the requested records, the custodian must:

_____ Determine if the requestor is asking for a record that is exempt or contains information covered by an exception to public inspection (§ 14-2-1).

_____ Separate records containing exempt and nonexempt information (including redacting exempt information contained in an otherwise public record), if the records or parts of the records are exempt (§ 14-2-9).

_____ Provide copies of public records in electronic format if requested and available in electronic format.

_____ If inspection is not allowed within three business days, explain to the requester, in writing, when the records will be available for inspection or when the public body will respond to the request.

_____ Allow inspection or otherwise respond to the request within 15 calendar days from the date the custodian received the request.

If the request is deemed excessively burdensome or broad the custodian must (§ 14-2-10):

_____ Notify the requester in writing that additional time is needed to respond.

_____ Provide such notification within 15 calendar days after the custodian received the inspection request. (Please note that if inspection is not permitted within a reasonable time, the requester may deem the request denied and pursue the remedies available under the Act.)

Copy and Transmission Fees (§ 14-2-9)

If the public body charges a fee for copying public records, the public body:

_____ Shall not charge fees in excess of \$1.00 per printed page for documents 11" x 17" or smaller.

May charge the actual costs of downloading copies of public records to a disk or other storage device, including the actual cost of the disk.

May charge the actual costs of transmitting copies of public documents by regular mail, email or fax.

_____ The fee must exclude the cost to the public body of finding the records, determining whether the records are subject to disclosure and other costs not related to copying or transmitting the records.

_____ The fee must be applied consistently to all requesters.

_____ The custodian must provide a receipt upon request.

Denied Requests to Inspect Public Records (§ 14-2-11)

If the inspection request is denied, the custodian must:

_____ Deliver or mail a written explanation to the requester no later than 15 calendar days after receiving the request. The written explanation must:

_____ Describe the records sought; and

_____ Include the names and titles of each person responsible for denying the request; and

_____ Describe the reasons for the denial.