

City of Farmers Branch

Administrative Policies, Rules and Procedures

Public Information Requests: Charging fees/Multiple Repetitive Requests

With the increase in voluminous responsive documents related to public information requests, this policy has been created to address when costs are assessed to a requestor.

This policy applies to all requests for public information when responsive documents total 300 or more or if the request will require 5 hours or more of staff time. Sections 552.262 and 552.272 of the Texas Government Code establish rules determining charges for providing copies of public information in paper, electronic, and other media. The requestor must approve the cost estimate before beginning data research.

General Guidelines for Calculating Requests for Information:

- Review time will be calculated at one (1) minute per email/document.
- Review time includes time spent locating the record, evaluation of information to determine if any content is considered attorney/client privilege, information that the Attorney General has determined is private and should be redacted, and assessing information to determine if the information will require an opinion from the Attorney General's office.
- Review time also includes redaction of any information that is considered private.
- A cost estimate must be provided to the requestor prior to work being completed.
- Per Section 552.2615 of the Texas Government Code, if the requestor does not respond to the cost estimate within ten (10) business days, the request is considered withdrawn.
- Section 552.261 states that the cost of labor for charging public information requests for locating, compiling, and programming is \$15 per hour.
- Whenever any labor charge applies to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead at 20%.

Example of Cost Estimate:

- $4,000 \text{ responsive documents} \div 60 \text{ minutes} = 66 \text{ hours} \times \$15 \text{ hour for labor} = \990
- $\text{Overhead of labor charge at } 20\% \times \$990 = \$198$
- $\text{Total Cost Estimate: } \$990 + \$198 = \$1,188$

Multiple/repetitive Requests from single Requestor:

If multiple requests are received from same requestor, and it is anticipated that requests will exceed

36 hours in the fiscal year, and 15 hours in one month, then:

- Track staff hours spent on responding.
- At 36 hours, prepare and send written cost estimate within 10 days for each request in excess of
- 36-hour/15-hour limit.
- Requestor should remit payment within 10 days of cost estimate.
- Request photo ID (in person, by mail or by email) with statement: photo ID is requested to establish that the Requestor has not exceeded the staff time limit and has not concealed the Requestor's identity.

If Requestor has not remitted payment for any prior request, then production can be withheld until past charges are paid.

This section does not apply to 501(c)(3) organizations, news media or public officials.