

Guidelines for Copy Charges

The charges in this exhibit, to recover costs associated with providing copies of public information, are based on estimated average costs to governmental bodies across the state. When actual costs are 25 percent higher than those used in these rules, governmental bodies other than agencies of the state may request an exemption in accordance with 1 Administrative Code 70.4.

Copy charges

Standard-paper copy: The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page. *1 TAC 70.3(b)(1), .10(1)*

Nonstandard-size copy: The charges below are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

1. Diskette — \$1.00
2. Magnetic tape — actual cost
3. Data cartridge — actual cost
4. Tape cartridge — actual cost
5. Rewritable CD (CD-RW) — \$1.00
6. Non-rewritable CD (CD-R) — \$1.00
7. Digital video disc (DVD) — \$3.00
8. JAZ drive — actual cost
9. Other electronic media — actual cost
10. VHS video cassette — \$2.50
11. Audio cassette — \$1.00
12. Oversize paper copy (e.g., 11" x 17", greenbar, bluebar, not including maps and photographs using specialty paper; see also 1 Administrative Code 70.9) — \$.50
13. Specialty paper (e.g., Mylar, blueprint, blueline, map, photographic) — actual cost

1 TAC 70.3(b)(2), .10(2)

Labor charges

For programming: If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time. The hourly charge for a programmer is \$28.50 an hour. Only programming services will be

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charged at this hourly rate. Governmental bodies that do not have in-house programming capabilities will comply with requests in accordance with Government Code 552.231. If the charge for providing a copy of public information includes costs of labor, a governmental body will comply with the requirements of Government Code 552.261(b). *1 TAC 70.3(c), .10(3)–(4)*

For locating, compiling, manipulating data, and reproducing public information: The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

A labor charge will not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in two or more separate buildings that are not physically connected to each other or a remote storage facility. For purposes of this provision, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

A labor charge will not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

1. To determine whether the governmental body will raise any exceptions to disclosure of the requested information under Government Code Chapter 552, Subchapter C; or
2. To research or prepare a request for a ruling by the attorney general's office pursuant to Government Code 552.301.

When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge will not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies as a labor charge pursuant to Government Code 552.261(a)(1) or (2).

If the charge for providing a copy of public information includes costs of labor, a governmental body will comply with the requirements of Government Code 552.261.

1 TAC 70.3(d), .10(3)

Overhead charges

Whenever any labor charge is applicable 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. If a governmental body chooses to recover such costs, a charge will be made in accordance with the methodology described below. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

An overhead charge will not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Government Code 552.261(a)(1) or (2).

The overhead charge will be computed at 20 percent of the charge made to cover any labor costs associated with a particular request. For example, if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \3 ; or programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15 + \$28.50 = \$43.50 \times .20 = \8.70 .

1 TAC 70.3(e), .10(4)

Microfiche and microfilm charges

If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy will not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for the governmental body. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

If only a master copy of information in microform is maintained, the charge is \$.10 per page for standard size paper copies plus any applicable labor and overhead charge for more than 50 copies.

1 TAC 70.3(f), .10(5)

Remote document retrieval charges

Due to limited on-site capacity of storage of documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by a governmental body to store current records on-site. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge will be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body the boxes must still be searched for records that are responsive to the request, a labor charge is allowed in accordance with 1 Administrative Code 70.3(d)(1) [see For locating, compiling, manipulating data, and reproducing public information, above].

1 TAC 70.3(g), .10(6)

Computer resource charges

The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

The charges in this section are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge will determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s) and set its charge accordingly:

<u>Type of System</u>	<u>Rate</u>
Mainframe	\$10.00 per CPU minute
Midsized	\$1.50 per CPU minute
Client/Server	\$2.20 per clock hour
PC or LAN	\$1.00 per clock hour

The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather, it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is described at 1 Administrative Code 70.3(d) [see Labor charges, above]. No charge should be made for computer print-out time. For example, if a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $\$10 / 3 = \3.33 ; or $\$10 / 60 \times 20 = \3.33 .

A governmental body that does not have in-house computer capabilities will comply with requests in accordance with Government Code 552.231.

1 TAC 70.3(h), .10(7)

Miscellaneous supplies

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

1 TAC 70.3(i), .10(8)

Postal and shipping charges

Governmental bodies may add any related postal or shipping expenses that are necessary to transmit the reproduced information to the requesting party. *1 TAC 70.3(j), .10(9)*

Sales tax

Pursuant to Office of the Comptroller of Public Accounts' rules, sales tax will not be added on charges for public information. (34 Administrative Code, Part 1, Chapter 3, Subchapter O, 3.341 and 3.342). *1 TAC 70.3(k), .10(14)*

Miscellaneous charges

A governmental body that accepts payment by credit card for copies of public information and that is charged a transaction fee by the credit card company may recover that fee. *1 TAC 70.3(l)*