

## **PUBLIC NOTICE DESCRIBING PROCEDURES FOR REQUESTING INSPECTION**

### **NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS**

By law, under the Inspection of Public Records Act, every person has the right to inspect public records of a public body. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the officers and employee.

#### **How Public Agencies Respond to IPRA Requests**

Records custodians must now respond to a public records request in the same medium—electronic or paper—in which they received the request. Custodians can also choose to respond in any other medium they deem appropriate but still must respond via the same medium in which the request was received. Section 14-2-7(B).

#### **Duty to Provide Electronic Copies when Requested**

If a public record is available in electronic format and a requester specifically requests an electronic copy, the public body must provide the record in electronic format. The public body does not have to change or convert the “file format” of the record (for example, from paper to digital or from WordPerfect to Word). The public body need only provide the record in the file format in which the record exists. Section 14-2-9(B). “File format” is defined as “the internal structure of an electronic file that defines the way it is stored and used.” Section 14-2-6(B).

When producing documents in electronic format, public bodies may charge a requester the actual costs associated with downloading copies of public records to a storage device and the actual cost of the storage device. The actual cost of transmitting the public records may also be charged. Section 14-2-9(C)(3), (4).

#### **Removing Metadata from Electronic Information**

When providing records in electronic format, public bodies must separate exempt information from non-exempt information and produce the non-exempt information. Additionally, all metadata associated with the exempt information must be removed from the electronic document. Section 14-2-9(A).

#### **Procedures for Requesting Inspection.**

Requests to inspect public records should be submitted to the records custodian, located at the link provided for your local District Attorneys office below.

A person desiring to inspect public records may submit a request to the records custodian orally, in writing, or electronically. However, the procedures and penalties prescribed by the Act apply only to written or electronic requests. A written or electronic request must contain the name, address and telephone number of the person making the request. Written requests may be submitted in person or sent via US mail, email or facsimile. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

The records custodian must permit inspection immediately or as soon as practicable, but no later than 15 calendar days after the records custodian receives the inspection request. If inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within 15 calendar days after the records custodian received the request for inspection.

### **Procedures for Requesting Copies and Fees**

If a person requesting inspection would like a copy of a public record, a reasonable fee may be charged. The records custodian may request that applicable fees for copying public records be paid in advance, before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.