



University Operating Procedure

Cost Assessments under the Vermont Public Records Act

Overview

Under the Vermont Public Records Act (1 V.S.A. § 316), the University may charge and collect from a requesting party the actual costs of copying public records, the costs associated with mailing or transmitting the records, and the cost of staff time associated with complying with a records request. This Operating Procedure governs the assessment of costs by the University.

Procedures

Pursuant to the University's Records Request Policy and the Vermont Public Records Act, the University reserves the right to assess and collect reasonable costs associated with responding to a records request, as detailed below.

1. Determination of Eligibility for Cost Assessment

Upon receipt of a public records act request, the Vice President for Operations and Public Safety (VPOPS) shall contact the University official who is the custodian of the requested record(s). The custodian shall provide the VPOPS with an estimate of the time required to identify and gather the requested record(s). If the custodian's reasonable estimate is in excess of the University's established labor threshold, reasonable costs may be assessed. Multiple requests within a short period of time from the same individual will be considered a single request for purposes of determining whether to charge under this section.

Copying: If the requestor asks for copies of documents, the University may charge the requestor the actual costs of those copies. The cost will be on a per- page basis in accordance with the University's established fee schedule. To the extent the University agrees to scan paper records into an electronic format, the cost for such scanning will be charged at the same rate as copying.

Labor: If a request will require extensive use of information technology resources or extensive clerical or supervisory assistance, then the University may assess a labor service charge, in addition to the cost of duplication. The labor service charge shall be reasonable and shall be based on the actual labor cost of the personnel involved in gathering and duplicating the records. The University considers more than thirty (30) minutes to constitute an extensive use of personnel. If preparation of the response to a request will exceed thirty (30) minutes, the University will charge the amount required to recover the cost of labor involved. That amount shall be assessed in accordance with the University's established fee schedule.

Delivery: The University may charge and collect from the requesting party the actual costs associated with mailing or transmitting public records. As a general matter, the University does not assess delivery costs for electronic transmission or use of first-class mail.

2. Notification of Estimated Costs

The VPOPS shall provide the requesting party with a time and cost estimate prior to responding to the request. The requestor shall have the option of either agreeing to pay the estimated costs or revising the request to narrow its nature or scope. Should the requesting party decide to proceed, pre-payment of the estimated costs shall be submitted to the VPOPS in order for the University to move forward in responding to the records request.

3. Tracking of Actual Costs

Once pre-payment is received, the VPOPS will forward the request to the appropriate University custodian to initiate compliance. The custodian *must* track all staff time involved in gathering and duplicating the records, and submit this information to the VPOPS. A page total shall also be provided to the VPOPS when the task is completed. The VPOPS shall provide this information to the requesting party, and, to the extent additional costs have been incurred, the University may require payment in full before records are disclosed. If a detailed record of time involved in complying with a records request is not maintained, the University may not charge the requesting party for labor.

4. Receipt of Funds

Funds received by the University as a result of cost assessments under the Public Records Act shall be received centrally by the VPOPS and distributed appropriately to the unit(s) tasked with compliance.

Definitions

Labor: means the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

Public Record or document: is a written or recorded matter produced or acquired in the course of University business. All public records and documents are subject to prompt disclosure upon request unless they are exempt under the provisions of the Vermont Public Records Act.

Requesting Party: is the person who requests a copy of a University record or document.

Contacts/Responsible Official

Questions related to the daily operational interpretation of this procedure should be directed to:

Vice President for Operations and Public Safety
348 Waterman Building
Burlington, VT 05405
(802) 656-8937

The President is the official responsible for the interpretation and administration of this procedure.

Forms

None

Related Documents/Policies

Records and Documents Requests Policy

https://www.uvm.edu/sites/default/files/UVM-Policies/policies/records_request.pdf

Public Record Request Fee Schedule

<https://sos.vermont.gov/vsara/manage/information-governance/compliance/uniform-charges-schedule/>

Effective Date

Approved by the Vice President for Legal Affairs March 12, 2012

Responsible official officially changed from the Vice President for Legal Affairs to the President on October 5, 2020