

From: Dee <deeedeee1963@yahoo.com>
Sent: Monday, June 26, 2017 2:33 PM
To: Stefani Lowe; Robert Tarlov
Subject: Fwd: FOI QUESTION on request of Public Records

Sent from my iPhone

From: "Hennick, Thomas A" <Thomas.Hennick@ct.gov>
Date: June 26, 2017 at 2:13:18 PM EDT
To: Dee <deeedeee1963@yahoo.com>
Subject: RE: FOI QUESTION on request of Public Records

Hello Deanna,

There is no charge to inspect records. The only time a person can be charged to inspect records is if the pages that are to be inspected must be redacted. Then, because the agency is forced to make a copy, it can charge \$.50 a page. An agency cannot force a requester to pay for copies otherwise. If a requester asks for copies and the cost of copies exceeds \$10, then the agency can collect its money up front.

Tom

-----Original Message-----

From: Dee [<mailto:deeedeee1963@yahoo.com>]
Sent: Monday, June 26, 2017 11:27 AM
To: Hennick, Thomas A <Thomas.Hennick@ct.gov>
Subject: FOI QUESTION on request of Public Records

Dear Mr Hennick,

Can you please clarify an issue in regards to an FOI request for public records.

The BOF Chairman in Colchester has stated "requesters don't always realize how many pages there are and should be informed of the cost before we (town) print" he has also suggested that the Town can require prepayment above a certain dollar amount.

It is my understanding that a citizen can make an FOI request for records and inspect those records at no cost. Should the citizen then decide it wants a printed copy of one or all of the public records the cost can not exceed .50 per page.

What happens when the Town chooses to make copies instead of allowing the inspection of the original public records, and upon inspection of the public records, the requester only chooses a few specific records it would like printed copies of, can the Town then charge the requester for the public records they chose not to have a printed copy of because the town chose to make the copies instead of allowing for the inspection of the "original" public records?

Thank you,

Deanna Bouchard
Colchester, CT

From: Robert Tarlov
Sent: Wednesday, June 28, 2017 2:12 PM
To: Dee
Cc: Art Shilosky; Tricia Dean; Ronald Goldstein; Stefani Lowe
Subject: Re: FOI QUESTION on request of Public Records

Dee,

Thanks for researching this. This was confirmation I was looking for at the last meeting.

Although I don't believe I stated in that Board of Finance discussion that we were forcing people to accept printed copies, If I did state so, or implied so, that was not my intent.

When you ask to pick up copies in the office, I believe one would be correct in assuming that is a request for printed copies. Although some of your requests have said you are "requesting to obtain or inspect documents", I was referring to the last couple that indicated you would pick up the copies.

As Mr Hennick said in his reply to you:

"If a requester asks for copies and the cost of copies exceeds \$10, then the agency can collect its money up front"

and

"because the agency is forced to make a copy, it can charge \$.50 a page"

It is my understanding that Town documents requested to be viewed/reviewed/inspected under an FOI request, when not in paper form, can be viewed from the public computer in the Town Clerk's office. I assume that is where one would also view paper documents. Any hard copies requested at the time of viewing an electronic document or a paper document would be charged at 50 cents each.

If the requester, in the FOI Request, asks to pick up copies, they would be provided at 50 cents each, and if more than 20 copies, prepayment could be requested. It was under this type of circumstance that I stated we should let the requester know the cost before we print the documents and that we should ask for prepayment allowed under the rules.

I also think when the writer requests a waiver of the printing costs in their request, some people might assume that they want printed copies. I think if we adopt a process of advising the requester of the cost of printing up front, it would clarify the request or give the requester the opportunity to avoid an

unexpectedly high cost without viewing the documents first. This, together with a prepayment when the cost exceeds \$10, would avoid past situations where the taxpayers incurred the cost of printing and the copies were not picked up and the reimbursement was not received.

Rob

Rob Tarlov, Chairman, Board of Finance
860-608-4293

From: Dee <deeedeee1963@yahoo.com>
Sent: Wednesday, June 28, 2017 6:27 PM
To: Robert Tarlov
Cc: Art Shilosky; Tricia Dean; Ronald Goldstein; Stefani Lowe
Subject: Re: FOI QUESTION on request of Public Records

Rob,

Please note Mr. Hennick is clear when stating there is NO cost to inspect public records, whether via electronic records or printed copies.

Also, your reference of the quote,

"because the agency is forced to make a copy, it can charge \$.50 a page", in this quote Tom was referring to a \$.50 charge for a public record that must be redacted in order to be inspected

Sent from my iPhone

From: Robert Tarlov
Sent: Thursday, June 29, 2017 9:21 AM
To: Dee
Cc: Art Shilosky; Tricia Dean; Ronald Goldstein; Stefani Lowe
Subject: Re: FOI QUESTION on request of Public Records

Dee,

You are correct, there is no cost to inspect an electronic or paper document.

However, there is a cost if you request copies, before or after inspecting, and there is a cost if the Town is forced to make copies of documents needing redaction before inspection.

Inspection of a document is the viewing of a Town's paper document or a Town's electronic document on a computer, both done at Town Hall.

If you request a copy of either an electronic or paper document, there is a cost of 50 cents a page, and if the cost exceeds \$10, the Town can request prepayment. Some people, as you have done, have requested copies in lieu of inspecting first, and others, as you may have done also, have asked for copies after inspecting the documents.

"If a requester asks for copies and the cost of copies exceeds \$10, then the agency can collect its money up front"

If there is a need to redact a document so that the Town is forced make a copy for the requester to be able inspect it, it can charge 50 cents a page.

"The only time a person can be charged to inspect records is if the pages that are to be inspected must be redacted. Then, because the agency is forced to make a copy, it can charge \$.50 a page."

Rob

Rob Tarlov, Chairman, Board of Finance
860-608-4293
