## SUMMARY: COSTS FOR COPIES UNDER PUBLIC RECORDS ACT – RCW 42.56

**AGENCY OPTIONS PURSUANT TO EHB 1595 (CHAP. 304, LAWS OF 2017)**

*Effective July 23, 2017; Summary Only – See Statutes for Details*

<table>
<thead>
<tr>
<th>CHARGING ACTUAL COSTS</th>
<th>CHARGING STATUTORY DEFAULT FEES</th>
<th>CHARGING ALTERNATIVE FLAT FEE</th>
<th>CHARGING PURSUANT TO ALTERNATIVE FEE ARRANGEMENT</th>
<th>CHARGING FOR CUSTOMIZED ACCESS SERVICE</th>
<th>WAIVING CHARGES (FEES)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency can charge its <strong>actual costs</strong> directly incident to copying including:</td>
<td>Agency can assess costs per the statutory fee schedule:</td>
<td>Agency can charge alternative flat fee of up to $2 for a request (rather than actual costs or default fees).</td>
<td>Agency can do an alternative fee arrangement, or in response to voluminous or frequently occurring requests.</td>
<td>Agency can charge up to actual costs for providing customized access services.</td>
<td>Agency can waive charges (fees).</td>
</tr>
<tr>
<td>- Paper and per page cost for use of agency copying equipment</td>
<td>- 15 cents/page paper</td>
<td>- 10 cents/page scanned into electronic format</td>
<td>- Actual costs of storage media, container, envelope, postage/delivery charge</td>
<td>- Agency can charge its default fees.</td>
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<tr>
<td>- Electronic production or file transfer of the record</td>
<td>- 5 cents/4 files or attachments and provided by electronic delivery</td>
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<tr>
<td>- Use of any cloud-based data storage and processing service</td>
<td>- 10 cents/gigabyte of electronic records transmission</td>
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<tr>
<td>- Costs directly incident to shipping including postage or delivery charges and cost of container or envelope</td>
<td>- Actual costs of storage media, container, envelope, postage/delivery charge</td>
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<tr>
<td>- Costs of transmitting the records in electronic format including the cost of any transmission charge and use of any physical media device provided by agency.</td>
<td>- Charges can be combined if more than one type of charge applies.</td>
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</table>

### REQUIREMENTS:

1. **Agency must have a statement** of the factors and manner it used to determine actual costs. Per page costs cannot exceed actual costs.
2. **Agency can charge actual costs in the statement only after notice and a public hearing.**
3. **Use the most reasonable cost-efficient method available at the agency as part of normal operations.**
4. **Cannot include staff salaries, benefits or other general administrative or overhead unless directly related to actual costs of copying.** Can include staff time to copy and send the records.
5. **Cannot charge for records routinely posted on website unless requester asks for copies through other means.**

**RCW 42.56.070(7)(a) and (b); RCW 42.56.120(1) and (2)(a) and (e)**

### REQUIREMENTS:

1. **Agency must have a rule or regulation** declaring the reasons calculating actual costs would be unduly burdensome.
2. **Use the most reasonable cost-efficient method available at the agency as part of normal operations.**
3. **Cannot charge for records routinely posted on website unless requester asks for copies through other means.**

**RCW 42.56.120(2)(b), (c) and (e)**

### REQUIREMENTS:

1. **Agency must reasonably estimate and document** that the costs are clearly equal to or more than $2.
2. **An additional flat fee or statutory default fee cannot be assessed after first installment ($2 is the limit for the entire request).**
3. **Cannot charge for records routinely posted on website unless requester asks for copies through other means.**

**RCW 42.56.120(2)(d) and (e)**

### REQUIREMENTS:

1. **Agency is to have a contract, memorandum of understanding or other agreement with the requester.**
2. **Agency estimates that the request would require use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other purposes.**
3. **Agency must give requester estimate and other information.** See statute.

**RCW 42.56.120(4)**

### REQUIREMENTS:

1. **Agency may waive charges (fees) pursuant to its rules and regulations.**

**RCW 42.56.120(4)**

August 7, 2017