

32.06: Fees for Copies of Public Records

(1) Except where fees for copies of public records are prescribed by statute, a governmental entity shall charge no more than the following fees for copies of public records:

- (a) the actual cost of any storage device or material provided to a person in response to a request for public records may be included as part of the fee;
- (b) the charge for black and white paper copies or printouts of records shall not exceed 5 cents per page, for both single and double-sided black and white copies;
- (c) for requests for non-computerized public records a prorated fee based on the hourly rate of the lowest paid employee capable of performing the task may be assessed for search time and segregation time expenses, as defined by 950 CMR 32.03. In addition, a per page copying fee under 950 CMR 32.06(1)(b) may be assessed;
- (d) for a search of computerized records the actual cost incurred from the use of the computer time may be assessed;
- (e) for copies of public records not susceptible to ordinary means of reproduction, the actual cost incurred in providing a copy may be assessed.

(2) Estimates. A custodian shall provide a written, good faith estimate of the applicable copying, search time and segregation time fees to be incurred prior to complying with a public records request where the total costs are estimated to exceed ten dollars.

(3) Postage. A custodian may assess the actual cost of postage.

(4) Inspection of Public Records. A custodian may not assess a fee for the mere inspection of public records, unless compliance with such request for inspection involves "search time" in which case a fee under 950 CMR 32.06(1)(c) may be assessed.

(5) Waiver of Fees. Every custodian, unless otherwise required by law, is encouraged to waive fees where disclosure would benefit the public interest.

(6) Street Census Computer Tapes and Mailing Labels - Reproduction Fees for City and Town Committee Chairman. Where "street list" data collected under M.G.L. c. 51, §§ 6 and 7, is compiled on computer tapes:

- (a) City or town registrars of voters shall provide, or cause their agents to provide, copies of said computer tapes to the chairman of each city or town committee for a fee of no more than \$ 0.01 per name, provided that a minimum fee of no more than \$ 90.00 may be assessed. No fee assessed under 950 CMR 32.06(6)(a) shall exceed \$ 750.00.
- (b) City or town registrars of voters shall provide, or cause their agents to provide, sets of mailing labels made from said computer tapes to the chairman of each city or town

committee for a fee of no more than \$ 0.02 per label, provided that a minimum fee of no more than \$ 50.00 may be assessed.

Statutory Authority

REGULATORY AUTHORITY

950 CMR 32.00: M.G.L. c. 66, § 1.

CODE OF MASSACHUSETTS REGULATIONS

950 CMR 32.06