

NRDP Public Information Request Process and Fees Policy June 2023

Information requests must be sent to NRDP via email to nrdp@mt.gov, which is NRDP's designated contact for information requests. Please put "Information Request" in the subject line and provide as much specificity as possible within the text of the email, such as the site name, date range, type of document(s), and/or author.

Section 2-6-1006(3), MCA, provides:

"A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information."

NRDP charges the following fees:

- Actual hourly fully loaded rate of staff fulfilling the request (i.e., gathering files & information, copying, scanning)
- \$0.10 per sheet of paper for copying
- Actual cost for storage media, postage, and mailing materials
- Actual cost for retrieval of records from off-site storage
- Actual cost for any other incidentals directly related to the request¹

Not all requests result in fees. NRDP will make an estimate of the time involved. If expected staff time required to comply with the request exceeds three hours, or where the request involves many printed copies or other actual expenses, NRDP will charge for the time and actual costs to comply with the request. Such estimate will be provided to the requestor prior to initiating performance of the request.

When fees are incurred, NRDP requires the fees to be paid in advance of releasing any responsive records or information responsive to a requester. NRDP may also request payment of estimated fees, or a portion thereof, prior to beginning work on the request. NRDP will attempt to notify requestor when performance greatly exceeds the estimate provided. Requestor is responsible for reimbursement of time and costs actually incurred; reimbursement is not capped by the provided estimate. Additional expenses will be billed to requestor once work is complete but before releasing requested information to the requestor. State of Montana W9 and wiring instructions will be provided to requestor upon agreement to pay records request expenses.

NRDP generally provides files in the native format and does not alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

¹ Based on current Montana law, the actual costs do not include any associated legal review fees.

Tracking of Expenses

Records request expenses should be coded to the appropriate accounting codes associated with the request. NRDP tracks records request expenses manually using a tracking spreadsheet template: [Info Request Expense Tracking Temp.xlsx](#). This spreadsheet tracks all categories listed above under fees.

Reporting:

To the Legislative Finances Committee: Per HB 580 (update when codified) NRDP is required to submit this information quarterly to the legislative finance committee for the prior quarter. The report must contain the following information: (a) the number of requests for information submitted to each entity in the preceding quarter; (b) the identity of each requester; (c) what information was requested; (d) the date of the request; and (e) the status of the request, whether completed or in progress. (3) If NRDP has completed the request, the report must also provide the following information: (a) the date on which compliance with the request occurred; (b) the number of hours to fulfill the request; and (c) costs imposed on the requester to fulfill the request.

On Website (SB 232, update once codified): As required by State law, NRDP publishes on its website:

- (ii) statistics about public information requests received by nrdp@mt.gov, including the number of requests and NRDP's response time to fulfill or otherwise resolve the requests; and
- (iii) retains and publish on NRDP's website the public information requests NRDP has received and the agency's response. NRDP does not publish requests or responses if the request:
 - (A) was not submitted according to this posted process;
 - (B) pertains only to a specific person or property, including requests for applications, vital records, licenses, permits, registrations, and related supporting documents; or
 - (C) was for information accessible on a state website or other publication available at the time the request was made.

Statutory Deadlines (per SB 232, update once codified):

- NRDP must acknowledge receipt of the request within **5 business days** of the agency's designated contact person receiving the request.
- NRDP must provide a specified public record to the requesting person within **5 working days** of the executive branch agency's acknowledgment of receipt of the request if the request is for a single, specific, clearly identifiable, and readily available public record.
- If a request seeks public information that cannot be readily identified and gathered, the agency shall provide the requesting person an estimate of the time it will take to fulfill the request and any fees that may be charged.
- NRDP will respond to other information requests within:
 - (A) 90 days of NRDP's acknowledgment of the request; or
 - (B) 6 months of NRDP's acknowledgment of the request if NRDP determines 90 days is not feasible for a response. NRDP will provide the requesting person written notice explaining why NRDP is unable to provide a response within 90 days.
 - The above time frames are suspended after NRDP provides an estimated fee to the requesting person until the fee is paid.
 - NRDP may request additional information or clarification from a requesting person for the purpose of expediting the response to the request. NRDP's obligation to respond to

the request is suspended until the requesting person provides the requested information or clarification or until the requesting person denies the agency's request for additional information or clarification.

- If a person requesting public information fails to respond within 30 days to NRDP's request for additional information or clarification, NRDP may close the request after notifying the requesting person.