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2501 Aerial Center Parkway, Suite 103, Morrisville, NC 27560  
877.997.7742

# **Access to and Sale in Bulk of Land Records**

**Adopted by the PRIA Board on  
March 4, 2011**

[www.pria.us/recordsaccess&privacy](http://www.pria.us/recordsaccess&privacy)

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# Access to and Sale in Bulk of Land Records

## PRIA Bulk Records Access and Sales Workgroup

### Abstract

This paper examines the history and practices of providing access to, and the sale in bulk of, land records in the United States. Land records are considered a subset of public records.

The majority of the nation's recording jurisdictions have legislative or standard practices or procedures already in place for handling the sale of paper, microfilm, or microfiche copies of the land records, whether as single copies or a sale of a bulk quantity. What is less established is the pricing mechanism or practices around the sale in bulk in an electronic format of land records.

Electronic land records are defined in this paper to include digitized and digital versions of documents which may or may not have previously existed in a paper format, as well as the electronic indexes to assist in finding the documents. Increasingly, Recorders<sup>1</sup> across the country are creating electronic images and indexes of recorded documents. If a Recorder sells land records on cd, dvd, external hard drives, or via ftp, they are selling electronic images and indexes.

Some jurisdictions do not yet have electronic images and there are many other sources of information on how those jurisdictions can begin creating electronic land records. It is not the purpose of this paper to discuss the creation of these electronic images, only the perspective of access and sale to third parties.

As the standard-setting body for the land records industry, the Property Records Industry Association (PRIA) has stepped forward to facilitate frank and open discussion regarding traditional practices and emerging technology within the land records industry. As technology changes the world we live in, there are many important factors to take into consideration in the discussion of access to, and sale in bulk of, land records.

The aim of this paper is to explain why access to, and the sale in bulk of, land records is important. It also sets forth a consensus of pricing components for the sale in bulk of electronic records (indexes and images).

The term utilized in this paper for the role of the person or entity purchasing and receiving documents from the Recorder will be "Buyer."

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<sup>1</sup> In the United States, land document recording may take place at the State, City, Town, County, Borough, or Parish level. Depending on the jurisdiction, the Office of the Recorder may also be known as Recorder of Deeds, Registrar-General, Register of Deeds, Registrar of Deeds, Registrar of Titles, Deeds Registry, Auditor, or Deeds Office. In some states, the recording function is part of the county clerk's responsibilities. Throughout this paper, the term utilized for this role will simply be "Recorder."

## Introduction and History

To understand the key issues regarding the access to, and sale in bulk of, land records, some background and historical perspective are necessary.

### What are public records?

According to Black's Law Dictionary (9<sup>th</sup> Ed. 2009):

- A "record" is defined as:
  1. A documentary account of past events, usually designed to memorialize those events.
  2. Information that is inscribed on a tangible medium or that, having been stored in an electronic or other medium, is retrievable in perceivable form.
- A "public record" is defined as "A record that a governmental unit is required by law to keep, such as land deeds kept at a county courthouse. Public records are generally open to view by the public."
- A "document" is defined as:
  1. Something tangible on which words, symbols, or marks are recorded. *See* Fed. R. Civ. P. 34(a).
  2. (*pl.*) The deeds, agreements, title papers, letters, receipts, and other written instruments used to prove a fact.

### What are land records?

Land records are a subset of public records. Most people are aware that in any real estate transaction, documents are created to convey rights or obligations one to another. Those documents are then presented to the Recorder for recording.

For the majority of the recording jurisdictions across the county, the land records include documents such as deeds, mortgages, assignments of mortgages, liens, and satisfactions of mortgages and liens. These documents show who owns the land and who has an interest in that land. These records have always been permanent, meaning that the Recorder has a responsibility to keep them forever. Recorders do not change the content of documents: their responsibility is to keep and maintain a true and accurate copy. Additionally, these records have always been public records, able to be searched, viewed, and copied in the Recorder's office during regular business hours.

Due to the large volume of documents being recorded over the years, Recorders created an index to help searchers find specific documents. You can think of the Recorder's index as a library card catalogue. It may be cross-referenced in several ways, but it leads you to the

primary source: the recorded document. In most states, the Recorder's index is statutorily required and specific elements are set forth. In many states, to provide better customer service, the Recorder has added data elements that go beyond the strict statutory requirements.

Historically, the Recorder physically copied (verbatim in longhand) a deed or document about a tract of land into a large bound book and noted on the original or incoming document the book and page number where it was entered in the official land records. In those days of yore, you had to ride to the county seat and, once there, you were allowed to look in the book and read the information for yourself. This practice is still in place in some jurisdictions today.

Technology has provided advances that have dramatically changed the way in which Recorders operate their offices. Early handwritten, transcriptions of document contents and their associated indexes were first replaced by typewritten, transcriptions of document contents and typewritten indexes. Microfilm became prevalent in the 1950s, taking a picture of the incoming document and keeping the picture on a roll of film which could be viewed and printed. Photocopy machines appeared in the 1960s, along with the practice of pasting a photocopy of the document into the official record book. Today, a significant number of Recorders are scanning incoming documents and creating an electronic copy of them. What was in the past a heavily paper-based system with many manual steps and interventions has become increasingly a world of computer systems and equipment.

## The value of land records

The value of open-to-the-public land records extends beyond the democratic, social, and legal benefits provided by maintaining these records. Quoting Supreme Court Justice Louis Brandeis, from his book, Other People's Money – and How Bankers Use It (1914), "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."

Since the land records in the United States have been open to the public from the beginning of this country, who owned the land and who had an interest in it has been readily accessible and available information.

The right to own real property is one of the greatest freedoms we enjoy as U.S. citizens. The preservation of this right was a key element of both the Declaration of Independence and the U.S. Constitution. Our founding fathers understood that constructive notice, through public recordation of real property records, was integral to the preservation of this right.

The certainty of land ownership and the ease of its transfer are commonly recognized as the roots of America's historic economic dominance. The certainty of ownership rights provided by public land record laws allows real estate to be used as collateral for credit, thus unlocking trillions of dollars of capital to fuel our economic engine.

These land records have also become part of the critical infrastructure of our information economy, which, in turn, contributes to the public good. In order to grant credit rapidly and appropriately, the collection of information on consumers available through public land records is necessary for businesses to make fair and objective risk assessments. Data is efficiently compiled by the recorders. However, banks, title underwriters, and others often want to format the data in a different way (such as by geographical location, rather than by grantor/grantee) and to combine the data with other sources of data (information beyond land ownership and interest such as credit-worthiness information). Being able to download and manipulate data into various formats allows Buyers to reduce costs and improve delivery speed to their clients and customers. Together the chain of improved data helps to combat land fraud. Businesses need access in bulk to the land information, which helps reduce costs of attempting to obtain it by other methods.

### **Who owns the land records?**

An issue arises with discussions of access to, or sale in bulk of, land records: who owns the land records? By definition, it is the public. The Recorder, being in physical possession of the formal copy of the records, is the custodian of the records on behalf of the public. Some people explain the difference between the owner and the custodian by saying that the people (owner) elect the government (custodian), and thus have a vote in who implements, monitors and enforces the laws on their behalf.

### **Providing individuals access to the land records**

The land records are owned by the people, but managed by the Recorder. That management has historically included a way for anyone to find particular documents, review them, and make copies. Remember that while it may have been the practice in the past to make photographic copies of documents, it is much more common these days to print copies from microfilm and from electronic images. And that happens daily in Recorders' offices. It is also increasingly common for the Recorder to provide access to the land records via the Internet. Some people feel that Internet access provides a more convenient alternative to going to the physical "brick and mortar" Recorder's office.

For many Recorders, providing the land record data (indexes and images) online has been a way of providing a valued service to the public. It helps people avoid a trip to the Recorder's office, paying for parking, time away from an office, etc. Those people say they value being able to search at times and from locations of their own choosing.

Other Recorders are concerned about a negative reaction from the citizens of their recording jurisdiction if they provide the online service of access to land records. These Recorders prefer to have customers come to their offices to see or print the document images, and so they can see and talk to the customers.

Providing access to the land records in a Recorder's office or over the Internet typically involves providing access to a specific document or a small group of documents.

## Land records, personal privacy, and redaction

Does the Recorder have any obligation or authority to withhold information or determine what is to be available? In the age of the Internet, it is possible to find most anything on the web. There are those who believe that land records should not be available online, with no exception, and there are those who believe the land records should be available and open to everyone all the time. State legislatures and Recorders have the means to weigh the risk versus the benefit of viewing certain information, whereas a portion of the public might denounce any and all access to anything more detailed than a basic card-catalogue-type index to the documents themselves.

Emotion can be driven both by concerns about personal privacy and by a fear of identity theft and other crimes; that concern and fear may be escalated based on the perception that much personal and private information is contained or available in the public land records. According to various FBI studies, identity theft most frequently occurs between family members or others known to the individual whose identity was duplicated or stolen, rather than from information gleaned from the public land records. There will always be varying opinions on the issue of availability to the masses, but as custodian of the records, the Recorder has a responsibility to abide by existing law or to propose new laws.

PRIA has previously studied and made recommendations on protecting the privacy of individuals in the area of the public land records. For additional information and commentary, please refer to *Privacy and Public Land Records: Making Practical Policy, A White Paper by PRIA (2006)* and PRIA's model legislation, the *Social Security Number and Privacy Protection (SSNAPP) Act*. Both documents are available on the PRIA web site ([www.pria.us](http://www.pria.us)). Those documents deal with personally identifiable information and the need to balance protection of individual privacy with open access to the land records.

On a federal basis, access to, and copies of, public records are covered under the Freedom of Information Act (FOIA). Almost every state has its own version of this act; some states are more protective, while others are more liberal, when it comes to accessing public records. In Colorado, for example, you are unable to view a probate file unless you are a party to that court matter. In Florida, anyone can view any documents in a probate file, regardless of the content of those documents. A summary chart of the FOIA provisions in the state statutes appears as Appendix A.<sup>2</sup>

In many states, efforts have been undertaken to redact (or cover up and thus remove from public view) certain information in public records, such as social security numbers and financial institution/bank account numbers. For some jurisdictions (FL, CA, NV) the efforts were necessitated by statewide legislation. In other jurisdictions (Lancaster County, PA

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<sup>2</sup> If updates or clarifying interpretation of the statutory citations are needed, please contact [info@pria.us](mailto:info@pria.us).

and New Castle County, DE, for example), the efforts were undertaken in response to public concerns about possible identity theft. The compromise of removing specific data from public view allows the remaining record to be viewed by the public. The recorded document is viewable and printable; the specific personally identifiable information is typically “blacked out.” PRIA annually updates a chart covering the state-by-state redaction laws; it is available on the PRIA web site ([www.pria.us](http://www.pria.us)).

## Business use of land records

Title Insurance companies and their agents – by insuring property owners, lenders, and others with an interest in real property – perform a critical service of identifying and verifying ownership and encumbrances prior to a new conveyance or new loan transaction. They insure the owner or lender against claims which may arise from a defect in title not identified in the title insurance policy. Title insurance provides the confidence necessary for private citizens, investors, lenders, and the secondary mortgage market to purchase or collateralize real property. To instill this confidence, title insurance companies depend upon quick and cost effective access to a Recorder’s public land records.

In many areas of the country, especially the larger urban areas, title companies have created “title plants” to facilitate the examination of public land records. Title plants generally acquire or copy, in bulk, all of a Recorder’s public land records over a large historical time period. Title plants are designed to make the search and examination process as efficient and accurate as possible. They do this through many methods, including:

- Use of standardized indexing procedures across multiple counties.
- Use of standardized, more comprehensive geographic indexing to ensure that any document affecting title to a parcel of real property is indexed to that property.
- Integration with internal title policy production systems.
- Use of software specifically designed to simplify the title search process.

Title insurance companies have utilized title plants for decades. The technologies used have advanced accordingly over time, much like that of the Recorders, evolving from handwritten ledgers and paper document copies to microfilm, advanced database technologies, and electronic document images.

Title insurance companies are not the only industry reliant upon the public land records. Oil and gas companies, utilities, land appraisers and surveyors, real estate agencies, credit bureaus, genealogists, and other government agencies, to name a few, rely upon the public land record to perform their services. For additional information on how the public land records are used, please see *Privacy and Public Land Records: Making Practical Policy (2006)*. This document is available on the PRIA web site.

## Section 1: Defining Sale in Bulk and Data Sets

### Definition of Sale in Bulk of Land Records

For the purpose of this paper, the definition of sale in bulk of records is: the transfer of Recorder maintained or managed data consisting of index data or image data (or a combination of both) to Buyers. The transfer not only includes a copy of the existing data requested by the Buyer, but may also provide for regularly scheduled updates of information, so the Buyer can continually update records with modified and new information. The transfer of data from the Recorder to the Buyer may involve paper-based data, microfilm-based data, electronic data, or any combination of these modalities.

### Four variables

Requests for a sale in bulk are typically bounded by at least one of the following four variables:

Time Boundaries:

Data is requested from within a specified time period, e.g., 1/1/2000 – 12/31/2000; May 1-31, 2006; or January of each of the last 3 years

Geography Boundaries:

Data is requested for a certain geographical area, e.g., The Town of Smithville; a particular section-township-range; or a specific condominium building

Document Type Boundaries:

Data of only certain document(s) is requested, e.g., only deeds; all liens (including mortgages); or lien satisfactions

Name Boundaries:

Data indexed under specified name(s) is requested, e.g., IRS; Samuel Jones; or ABC Construction Company

It may be helpful to consider bulk data requests as a matrix:

	<b>Index</b>	<b>Images</b>
Historical	Entire Dataset, OR Specific Document Set (as described in examples above)	Entire Dataset, OR Specific Document Set (as described in examples above)
Ongoing	All records (Daily, Weekly) OR Specific Request (as described in examples above)	All Records (Daily, Weekly) OR Specific Request (as described in examples above)

## Land Records Data

Recorders maintain both index data (data elements helping to pinpoint a specific document) and document images (in paper form, on microfilm, or in electronic form).

### Recorder Index Data

For the majority of the country, a Recorder's index is a name-based index, including the names of the parties to the document (such as buyer and seller, grantor and grantee, mortgagor and mortgagee, lienor and lienee). The most frequent additional data points are the date and time the document was recorded, the type of document (deed, mortgage, lien, easement, etc.), and an identifying number for the document assigned at the time of recording (usually a book and page reference number which is a carryover from the days of large, bound ledgers). Other indexed fields may include a parcel identification number, an abbreviated or short legal description, or a reference to another document connected to, or referenced by this document.

A few jurisdictions, primarily concentrated in the mid-west, also maintain a Torrens, or land title registration, system. A full explanation of the Torrens system is beyond the scope of this paper. Information explaining the Torrens land registration system is available from the PRIA web site ([www.pria.us](http://www.pria.us)).

PRIA has not been able to confirm that any personally identifiable information (such as social security numbers, telephone numbers, or birth dates) is entered into the indexes of any Recorder's public land records systems.

### Recorder Document Images

However they may be organized or archived, reproducible copies of documents presented to Recorders for recording have been kept for public access. Typically, Recorders keep the incoming (aka "original") documents for a short period of time until they can verify the accuracy of the images of those documents which they have created. After image quality verification, the incoming document is returned to the submitter, or the person designated by the submitter. While minor variations to this rule exist across the country, a broad exception is the state of Louisiana where the Recorder, by law, retains the incoming document.

Across the country over the past 10 to 15 years, Recorders have invested heavily in the modernization of the public land records. In many cases, the Recorders have been allowed to charge a technology fee in addition to the standard recording fees to aid them in paying for these technology projects. A state-by-state listing of technology fund fees and the statutory authority for these fees is included as Appendix B).<sup>3</sup> The goal of these projects, generally, has been to improve the ease of use and broaden access to the land records for constituents and companies that are part of the real estate closing process. Note, however, that in some states the technology fund fees are not kept nor administered by the Recorder,

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<sup>3</sup> If updates or clarifying interpretation of the statutory citations are needed, please contact [info@pria.us](mailto:info@pria.us).

and may actually be distributed by governing bodies for projects or purchases not related to the land records.

In jurisdictions where appropriate funding has been utilized for electronic document images, implementation varies according to local law and needs. In Florida, for example, all 67 counties have electronic document images back to at least 1990, while approximately half of the counties have electronic document images back to the early 1970s, and 10 counties have images back to the 1800s. In Iowa, all 99 counties have electronic document images back to at least 2000. In Texas, approximately 65% of the 257 counties have electronic document images going back 10 years. In other jurisdictions, such as many of the recording towns in Vermont and Connecticut, no electronic document images exist.

### **District Clerk / Superior Court / Circuit Court Data**

This data contains records that are not generally in the Recorder's name-based land record index, and typically references court cases including probate, divorce, marriage, death, and sometimes judgments and liens. While these records may not be available electronically, many types of court cases (including probate, divorce, partition, ad valorem tax, and trespass-to-try-title cases) are generally needed for most property ownership and transfer work and thus are typically included in a title plant. Example data fields include:

- Court Number
- Plaintiff Name
- Case ID
- Defendant Name
- Case Type
- File Date
- Record Type

This paper recognizes the existence of these records, but since PRIA does not involve itself in the court records area, the access to and sale of these records are not specifically addressed. Despite the historic distinction between "court" filings and land records, there are some obvious similarities between the two, so some of the same points and considerations raised and discussed in this paper may apply to these court records.

### **Property Appraiser / Assessor**

This data is commonly referred to as an *appraisal roll* or *tax roll*. Example data sets include:

- Property Assessor Roll: ownership history/deed transfer data
- Tax Collector/Treasurer Roll: taxes paid; delinquent taxes owed

Again, this paper recognizes the existence of these records, but since PRIA does not involve itself in the assessment or tax collection areas, the access to and sale of these records are not specifically addressed. As was the case with court filing data, there are some obvious

similarities between land records and tax records, so some of the same points and considerations raised and discussed in this paper may apply to tax records.

## Section 2: Ownership and Access

The Recorder-held land records are public records, meaning they are open to inspection by the public under reasonable circumstances (laws may say “during regular office hours” for example). In law, and in court case after court case, it has been established that the public real property records exist to provide constructive notice to all interested parties, regardless of the location of those parties.

The openness of the records, combined with the ability to search them in a timely and cost effective manner, assists the quick and secure transfer of land. This transparency provides assurances about who currently owns the property, what mortgages or liens are outstanding, the value of the land, and the order in which mortgages and liens will be satisfied. The ability to quickly and securely purchase land is a cornerstone of the U.S. economy; using land or property as collateral is also a key factor enabling people to borrow money to start businesses.

Early in our history, colonists set up a system of easy and open access to land records. Such a system was important to them and in direct contrast to the English system of land ownership records that were closely held by the government. The concept employed by the colonists was that no government should control access to these records, and anyone should be able to search and view the records, even though there would be a government overseer or custodian.

Land records are owned by the public and held by the Recorder, as custodian, of that recording jurisdiction. Regardless of the type of jurisdiction where the documents have been recorded, the availability of and the access to these land records affects the real estate sales and mortgage lending industries. This access to land record data spreads across county and state boundary lines. Historically, the records have been maintained at the local level primarily for taxation purposes but also, in the days before technological advances, for convenience in recording and examining.

An outline of a Recorder’s responsibilities includes:

- Record documents in a timely manner in accordance with local and state regulations and laws.
- Provide permanent safe-keeping (including an archival back-up storage method) and maintenance of records to ensure integrity, availability of access, and inspection of all records.
- Ensure equal and open access to the records in accordance with local and state laws, regardless of requestor or volume requested. It is a well-established practice that Recorders do not ask who wants to see or copy the records, or why they want to see or copy the records. The records are open to anyone.
- Leverage technology properly (within the means of its budget) to ensure the office is taking advantage of efficiencies, pursuing potential cost reductions and compliance with law. Some examples include leveraging redaction technology,

digitization of records, and ensuring there is an appropriate disaster recovery plan in place.

Historically, Recorders have routinely provided copies of the recorded documents and indexes to others at a price set by statute or by local custom. Many states have established statutory pricing for selling duplicate rolls of microfilm: in Florida the price is \$42/100' roll of microfilm (see Fla. Stat., §28.24(6)(a)); in California, the price is "the direct cost of duplication" (see, Cal. Govt. Code, § 6253). In Missouri, there is no statewide statute and Buyers seem to have accepted whatever the Recorder charges. In contrast, in the state of Connecticut, the Town Clerks (who are the Recorders in Connecticut) have never sold recorded document copies in bulk.

## Section 3: Storage and Distribution/Transfer Media

Over the last half-century, technology at Recorders' offices has played an instrumental role in how data is managed, archived, and distributed. Just walking into a typical Recorder's office you will see firsthand the evolution of technology within the library of records maintained by the Recorders: from books to microfilm or microfiche machines and finally to computer workstations.

During the last 20 years, the dramatic effect of technology on databases, indexes, and images has made the land records generally more accessible, more manageable, and less cumbersome for the Recorder to maintain. However, that effect is only possible when a Recorder can afford to invest in the new technology.

### Paper

Historically, the most familiar and oldest form of storage and distribution medium is paper. Records were preserved usually in a book format. Books were either the indexes of the recorded documents or the transcriptions of the documents themselves. Document data was originally transcribed from the original document into the official records by handwriting in the official records book. This practice was later supplanted by type writing, which itself was later supplanted by photocopying the original document and placing the copy into the physical books. Since the books are the oldest medium in a Recorder's office, some offices have reformatted the data to make it more accessible in another media format. In other offices, the books have been re-bound or removed from public access to preserve and prevent the deterioration of the original materials. Paper has varying life expectancies depending on its use (or abuse) and its fiber content. Most frequently, to distribute the data contained in the Recorders' books, photocopies of the pages of the bound book are made – or an individual may take notes about the content of the paper media.

### Film

Film is historically the next common type of physical storage media for land records, either microfilm roll or microfiche (card) format. Photographs of the printed index page(s) and the recorded documents were taken, and the resulting microfilm was processed. The two most common types of microfilm are known by the width of the film: 16 mm or 35 mm. The length of a roll of 16 mm microfilm can be up to 200 feet. More images per roll can be made on 16 mm microfilm than 35 mm microfilm; in most cases with 16 mm rolls having more than double the number of images of a 35 mm roll. Microfiche is a card that is 105 mm wide or jacketed fiche with 16 mm or 35mm film cut into strips and placed into a clear plastic jacket. The number of images on each microfiche card can vary. Collectively, microfilm and microfiche are known as microforms. The shelf life of microforms varies depending on whether the medium is silver archival quality or a diazo duplicate. Shelf life can also vary depending upon storage and use conditions. Historically, Recorders have relied upon microforms to meet the permanent archival media requirement of life expectancy of 500 years. To distribute the data contained in a roll of microfilm or a

microfiche cared, a duplicate of the master roll of microfilm or the individual microfiche is made. For low quantity requests, a paper copy is made using a microform reader/printer.

Many Recorders' offices across the country are still required to create and maintain microfilm, even if they have moved to an electronic database, including an electronic index and electronic images. Microfilm is cited as the well-established, long-term archival medium. A comparison of the costs of creating microfilm from paper documents versus creating microfilm from digital images is available at <http://www.library.cornell.edu/preservation/com/comfin.html>.

## Electronic Data Distribution

Once a Recorder embraces digital media, both the indexes and the document images are electronic bits and bytes which can be viewed on computer monitors and printed from a database. Indexes and images in electronic format may minimize physical storage space and improve efficiency in management and delivery.

In the following discussion of media distribution options for electronic data systems, it should be remembered that Recorder staffing and technology knowledge issues, as well as available finances, play an important role in implementing such practices.

### CD and DVD

A commonly accepted medium for data distribution – if no longer for archival purposes – is the CD or DVD. Nearly all PC hardware is compatible, which is a definite advantage to using this type of media format. However, CDs and DVDs have approximately a 5 to 10 year shelf life, which is much shorter than the 500+ years for microfilm. A CD has a storage capacity of approximately 847 megabytes (MB), while DVDs have 4.7 gigabytes (GB) of storage. CDs are fast becoming obsolete for data storage, and even for distribution. Since both CDs and DVDs are physical media, common ways of delivering them are by courier, US Mail, FedEx, or UPS.

### External Hard Drive

External hard drives are another option for distributing data, and can also be used for extra storage and data backup storage. Depending on the quality of the external hard drive, the shelf life can be considerably longer than CDs and DVDs. The biggest advantage of external hard drives compared to CDs and DVDs is the storage capacity. While storage capacity of external hard drives varies; capacities currently range from 20 GB to 2 terabytes (TB). Since external hard drives hold more data and are simpler to use for data downloading, they are becoming a preferred medium for data distribution. Delivery options for hard drives are similar to CDs and DVDs (courier, US Mail, FedEx, UPS, etc.)

### T-1 Line

Depending on the technological infrastructure available or in use, dedicated or split T-1 lines are very efficient for data distribution. Rural recording jurisdictions may not have access to a T-1 line or the money to install or maintain it. A T-1 is basically

a dedicated fast data transfer system with large bandwidth. Data is distributed by the Recorder and delivery time is measured in seconds. It is a vast improvement from CDs, DVDs and external hard drives. The cost of having a dedicated T-1 line can be very high, however, depending on the length of the line from end to end (point A to point B). An additional deterrent for the Recorder may be the need to invest in hardware.

### FTP/FTPS

The most common approach to transferring data from one computer to another over the Internet is File Transfer Protocol (FTP) and Secure File Transfer Protocol (FTPS). Files are uploaded to a central server computer and then downloaded by computers which have been granted access to the server. The FTP approach is considered to be less expensive than other electronic methods. The reasons for this economy are that data routines can be established once and repeated with minimal personnel time; data can be transferred at a pre-determined time or on an ad hoc basis; and data transfers can be done in both passive and active modes. There may be security and firewall issues in implementing FTP transfers between sites. Careful collaboration and coordination between the sender and the receiver of the data is recommended. Further, assistance and advice may also be available for FTP sites from technology and network specialists.

## Online Storage

An evolving option to evaluate for data indexes and images is online storage. Some argue that online storage eliminates the need for hardware and thus it can be inexpensive. If considering this option, it is good to get an understanding of the basic functions and features of online storage. Contrary to what the name implies, online storage is more than just a virtual “box” in which to store your files. While online storage can perform this task, the functionality does not end there. Online storage can make file sharing and maintenance more convenient.

The capabilities associated with online storage services can be beneficial for more than just backing up files. In addition to allowing the user to virtually back up files, features offered by many online storage service providers include:

- Flexibility to retrieve files and folders from anywhere.
- Automatic file and folder synching from any computer or device.
- File synching from any PC, Mac, or Smartphone.
- Real time upload/download updates.

Organizations looking to further enhance access and security of their files will benefit from the following features:

- File sharing with no file size restriction as often occurs with email.
- Access to folders and files with one-click ease.
- Create sub-accounts for better organization of files.
- Ability to create web pages for specific files and folders.
- Eco-friendly option for communication practices.

Online storage also allows the ability to collaborate more freely within the virtual world. With access to online storage, file sharing can be as simple as creating a widget. The widget can then be placed on a web site. Functions like these can bridge gaps in communication. Files, folders, and even servers are backed up in the case of a system crash or natural catastrophe.

### **Hard Media versus Soft Media**

When managing a Recorder's data with hard media, there is common familiarity with paper, books, microfilm, and microfiche. Delivery of such media via US Mail, courier, FedEx, and UPS typically incurs no costs for a Recorder's office as the delivery service is paid for by the Buyer.

However, there are some disadvantages when utilizing hard media for the management and delivery of large amounts of data and images. The movement of paper and micrographic data and images can be cumbersome to an internal workflow. Hard media generally requires higher labor costs to manage and maintain. Delivery of hard media is slow and costly. Additionally, the storage cost of hard media and consuming office space need to be considered.

Having a land recording software system can minimize labor costs, add accessibility, efficiency, and improve workflows. There can be immediate access and delivery of the electronic data. Service to the public and customers can be dramatically improved. Given the size of some counties, however, the cost to purchase or lease land recording systems can be an obstacle.

## Section 4: Online Access

As data and images become digital, and with the exponential growth and usage of the Internet, it seems inevitable that recorded data and images will be made available online. It is both convenient and controversial to have this data online.

Providing Internet access reduces foot traffic in a Recorder's office. On the positive side, this allows the Recorder's office to be more efficient in its document recording duties, providing better customer service to those with documents to record. On the negative side, providing Internet access may reduce a Recorder's interaction with citizens, the people who (generally) elect the Recorder.

Internet access to recorded documents means busy customers are no longer required to drive to the courthouse during business hours to obtain these records. The Recorder's office can provide 24/7 immediate access to its records anytime that is convenient for the customer. Having records available over the Internet is an efficient way to fulfill the Recorder's mandate to make the records open and available. Additionally, it is just good customer service. Internet access helps the environment and congestion at the Recorder's office by reduced driving. The contrary argument is that when a customer needs help during the wee hours, there may be no staff available to answer questions, thus turning satisfaction into frustration.

Since index data, and in some cases document images, are accessible over the Internet, it is possible that the time the Recorder's staff spends on duplicating documents will decrease. The reason for this reduction is that the searching for, and printing of, documents is being handled by the Recorder's land records software system and by the customers themselves, rather than the Recorder's staff.

Despite the advantages of having data available over the Internet, a perceived disadvantage is the possibility that this increased ease of access to the public records also facilitates an ease of access to sensitive personally identifiable information. From the early 1970s until about 2001, a small percentage of documents were recorded with Social Security Numbers, bank account numbers, and other sensitive data. Nationally, Recorders are in a quandary over this issue and several methods for dealing with the issue have evolved.

If personally identifiable information is covered up (redacted) from the public view on any document, the "as-recorded" document which still contains this information should not be compromised. Accordingly, the document may exist in two different forms: redacted (used by the public) and un-redacted (used internally to the Recorder's office and for certified copies of the official record). If a Recorder decides or is required to redact sensitive data, only the redacted version of the image should be delivered to the public when searching the Recorder's records. Redaction processes can be part of a traditional manual process (performed on the hard copy), Optical Character Recognition/Intelligent Character Recognition (OCR/ICR), and auto-blocked. PRIA is developing a paper on redaction best practices which should be available by the winter of 2012.

Public access can be free and unrestricted. Recorders may decide to provide their index(es) without images, index(es) with images, or index(es) with a teaser of the image (a thumbnail or an image missing the middle swath of the page). If the Recorder captures legal descriptions, the Recorder can provide access to the legal descriptions as well.

Online subscriber access typically involves restricted access to the index(es) and images by user name and password. Subscriber access can be free or there can be a charge for access. The levels of subscriber access are similar to those for free public Internet access, described previously.

Some Recorders believe that, since they provide Internet access, they do not need to also provide the documents or indexes for sale in bulk or volume. Typically, Internet access is used for a single search or document view, or for small group searches and associated document views. Most data Buyers operate from a geographic or physical perspective, while Recorders operate from a name or grantor/grantee perspective. Internet access does not allow Buyers to change or add value by adding a full, complete geographical index to the simplified index data typically maintained by a Recorder. Further, Buyers may provide different document types, more detailed addressing, indexes by location rather than name, etc.

As an aside, many Recorders have been instructed by law or local custom to provide indexes and images at no cost to other county offices such as tax assessors, tax collectors, and auditors. There are many units within government that need information rooted in the public land records. Generally, it seems impractical for one unit of government to charge another unit of the same government a fee for indexes and images.

The pros and cons of Internet access can be summarized as shown in the table below.

<b>Conveniences</b>	<b>Controversies</b>
• Reduces office foot traffic	• Don't get to know customers
• 24/7 access when customers want it	• No one to call in the wee hours
• Good public service, ensuring openness of information	• Worries about identify theft or fraud
• Helps the environment	• Traffic good for nearby businesses
• Reduces Recorder office costs	• Customer costs of printer, toner, paper
• Staff redirected to recording documents	• Requires more customer time

## Section 5: Charge for Producing Records

Many believe that the cost of creating and maintaining the land records was intended to be, and should be, covered by the cost of recording the document to impart constructive notice. However, the majority of states have not systematically or routinely evaluated today's costs against those which were established many years ago. Over the years, additional fees unrelated to creating and maintaining the land records have been added to the recording fee structure for other state or local projects (such as domestic violence protection, county infrastructure needs, etc.) In Ohio, for example, recording fees support the Housing Trust Fund, and in New Jersey, a portion of some recording fees support the Homelessness Prevention Fund. Thus, what the consumer pays to have documents recorded is not used exclusively for the creation and maintenance of the land records system.

The combination of (a) recording fees established many years ago, with (b) fees added by law which do not support the land records system, has led some Recorders to believe that additional revenue is necessary to simply maintain their land records system. A view associated with this position is that additional revenue can be realized from the sale of the land records "at a profit," which revenue directly benefits the maintenance of the land records system.

The opposite view is that, the original fees collected upon recordation of the documents should be analyzed and adjusted periodically to provide for the creation and adequate maintenance of the land records system. Concomitant with this view is the position that, since recording fees should provide for the creation and maintenance of the land records, copies (be they electronic or on paper) should be provided at or very near actual cost, rather than be seen as a vehicle to raise revenue.

If land records cannot be supplied in bulk, a further detriment to the consumer arises. When the records can only be accessed by a physical visit to the Recorder's office, increased turnaround times and high search costs occur. Additionally, this practice may have inadvertently added to a type of mortgage fraud that can occur if lenders abandon a title search in favor of a lien impairment product that does not require a search, as was done because searches "took too long" and were "too expensive."

The high cost of acquiring comprehensive land record data and images may have also restricted trade and competition by creating a relatively high market place entry barrier. It is difficult for a new company to enter the market when the land records are prohibitively expensive, since the new company will need to acquire every record upon startup, even though it may only use a very small percentage of the documents during any particular search or even all of the searches combined over the period of a year.

The American Land Title Association's (ALTA) position, adopted at the ALTA Board of Governors meeting on June 27, 2009, is that "the cost to obtain a reproduction of a public

record or document in any format should be the public record custodian's actual out-of-pocket cost to produce the reproduction."

With technology advances in the past 10 years, the costs associated with creating, archiving, and duplicating land records have been declining. The material cost of the hard media is reduced and sometimes eliminated with these technological advances. There have been significant investments by Recorders in equipment and software, including maintenance, to improve the speed with which documents are recorded and constructive notice provided.

Although a point of significant disagreement, it must be noted that, to protect the privacy of the consumer, some Recorders feel compelled (or are required) to ask about the Buyer's intended use of the data the Recorders are providing. Even though the land records are already available in the Recorder's office or over the Internet, the Recorder may want to know that the records are being secured properly and used in a manner that will not harm the privacy or security of the Recorder's constituents to comply with data breach laws, among others.

Opinions do vary, and many believe that Recorders cannot license or control what they do not own, since public land records are owned by the public. Thus, copies of public land records become an asset of the Buyer with the Recorder retaining no residual rights.

Despite differing views, agreement does exist that Recorders must comply with all applicable federal, state, and local laws and associated regulations. A chart showing current state laws regarding access to, and sale in bulk of, electronic documents appears as Appendix C.<sup>4</sup> Disagreements have arisen on interpretation, especially of state or local laws.

Using today's available technology, it is relatively quick and inexpensive to copy electronic files (be they indexes or images or both) from a server or database to another medium such as a DVD, an FTP server, or an external hard drive. In many cases, these processes require minimal human involvement (DVD, hard drive) or no human involvement (FTP) and can be automated for sending out daily updates of the records.

There is general consensus that Recorders should neither profit from nor subsidize the sale of land record copies. Simply stated, Recorders should not lose money by fulfilling a records request, nor should they profit.

## Contract for Sale

Each Recorder may want to have a contract with each Buyer to spell out the specifics of the agreement to access or purchase data. Some Recorders may also want to constrain a Buyer's ability to resell or redistribute, in bulk, purchased information. These restrictions may be designed to prevent fraud or protect individual personally identifiable information in accordance with state or local law. It is important to note that restrictions on post-sale

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<sup>4</sup> If updates or clarifying interpretation of the statutory citations are needed, please contact [info@pria.us](mailto:info@pria.us).

use are not legal in all jurisdictions. Recordors should consult with their attorneys to discuss the legal options for post-sale restrictions on a Buyer. Sample wording for a contract constraint on sold data (indexes and images) is included as Appendix D. A non-exhaustive list of state laws affecting post-sale use restrictions is included as Appendix E.

## Conclusions

The land records are public records.

Public access to the land records is a well-accepted and practiced policy.

Recorders are responsible for making the documents and the indexes to these documents publicly accessible, in accordance with federal, state and local laws.

Recorders have applied technological advances to their archives of land records, at considerable cost.

Buyers have a responsibility to maintain as confidential any data elements redacted by the Recorder, in accordance with federal, state and local laws.

The sale in bulk of land records indexes and images must comply with existing federal, state and local laws.

Where there is no specific legislation or regulatory framework addressing the sale of land records, the Recorder should establish a reasonable price structure.

### Calculating a “reasonable cost” for reproduction of electronic indexes and images:

(Note: While many components are listed, not all components may apply depending on the recording jurisdiction, software being used, media being used, etc.)

1. Material or media cost (e.g., CD, DVD, external hard drive)
2. Cost to ship media to buyer (e.g., postal costs or FedEx costs)
3. Extraction cost (one-time programming cost to copy or extract images from the Recorder’s database to another location; assumption is that after that one time cost, the extraction program “just runs” on the hardware)
4. Copy creation and storage equipment depreciation, generally about five years per piece of equipment in accordance with government accounting standards (e.g., FTP servers)
5. Equipment lease cost (if appropriate)
6. Proportional share of software maintenance cost (e.g., software for firewalls, viruses, FTP, recording programs)
7. Proportional share of communication network cost (e.g., T1 line costs)
8. Legal fees for individualized (i.e. other-than-standard) Memoranda of Understanding (if used)
9. Proportional share of administrative costs (e.g., subscriber fee payments, staff cost for time to upload image and index extractions)
10. Customization programming labor (as required)

## About

The Bulk Records Access and Sales Workgroup is one of three workgroups organized under the PRIA Records Access and Privacy Policy Committee. As its name implies, this workgroup focuses on the sale in bulk of public land records.

For additional information regarding this paper or any other PRIA work product, send an email to [info@pria.us](mailto:info@pria.us).

As with every PRIA work product, many people contributed their time and intellectual property to this consensus-building effort. Hours and hours of discussions took place. Opinions from across the country were solicited and received.

The Bulk Records Access and Sales Workgroup is chaired by:

Danny Crank (Recorder, Butler County OH), Government Co-Chair and  
Craig Muldoon (Red Vision), Business Co-Chair

PRIA sessions where these topics were discussed include:

- March 2011 Washington, DC
- June 2010 Chicago, IL
- March 2010 Washington, DC (survey results and panel on access, use of records, current issues)
- July 2009 Spokane, WA (panel on Who Needs the Data and Why Do They Need It? Plus discussions and review of paper components drafted to date)
- March 2009 Washington, DC (review of initial draft)
- July 2008 Phoenix, AZ (Bulk Records East and West, North and South – Do Worlds Collide? Plus working session to outline paper)
- Workgroup approved by PRIA Board of Directors, May 2008
- February 2008 Washington, DC (no session)

Drafts of this paper were distributed on:

- Outline, June 2009
- First draft, May 2010
- Second draft, July 2010
- Third draft, January 2011
- Fourth draft, February 2011

## Appendices

### Appendix A – FOIA State Statutes

NOTE: This chart is based on state statute review primarily from 2008

FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES		
State	Citation	Summary
Alabama	<a href="#">Code of Ala. § 41-13-41, § 41-13-44 (2008)</a>	<p>Photocopying of records shall be centralized in the AL Dept. of Archives and History.</p> <p>The Department of Archives and History is authorized to charge any office, court, commission, board, institution, department or agency of the state for the photographing or microphotographing of public records belonging to that office, court, commission, board, institution, department or agency. Such charge shall be on a cost basis.</p>
Alaska	<a href="#">Alaska Stat §40.25.110 (2010)</a>	<p>Unless specifically provided otherwise, public records of all public agencies are open to inspection under reasonable rules during regular office hours.</p> <p>The fee for copying public records may not exceed the agency's standard cost of duplication.</p> <p>Each agency may establish a reasonable fee. If the personnel time needed to satisfy one requester's production of public records exceeds 5 hours, the requester must pay the personnel costs, not to exceed salary or actual costs.</p> <p>A public agency may reduce or waive a fee when the public agency determines that the reduction or waiver is in the public interest.</p> <p>The Bureau of Vital Statistics and the library archives in the Department of Education and Early Development may continue to charge the same fees that they were charging on September 25, 1990, for performing record searches, and may increase the fees as necessary to recover agency expenses.</p> <p>The judicial branch may establish by court rule reasonable fees for the inspection and copying of public records, including record searches.</p> <p>Electronic information that is provided in printed form shall be made available without codes or symbols, unless accompanied by an explanation of the codes or symbols.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Arizona</b>	<a href="#"><u>A.R.S. § 39-121.03 (2007)</u></a>	<p>If the request of public records is for commercial purposes, the requester must provide a statement describing the commercial purpose.</p> <p>The fee shall be a portion of the cost to the agency for furnishing the records, or a reasonable fee for the time and equipment used, and the value of the reproduction on the commercial market as best determined by the public body.</p> <p>The custodian may appeal to the governor if s/he believes the commercial purpose is a misuse of public records.</p> <p>It must be indicated that requested public records are for intended for commercial use.</p>
<b>Arkansas</b>	<a href="#"><u>A.C.A. § 25-19-105 (2008)</u></a>	<p>All public records must be made available for public inspection during regular office hours of the records custodian. A citizen may make a request for records in person, by telephone, by mail, by facsimile transmission, by electronic mail, or by other electronic means provided by the custodian. A citizen may request a copy of a record in any format which the record is available. The request shall be reasonably specific.</p> <p>Reasonable access to public records and reasonable comforts and facilities for the full exercise of the right to inspect and copy those records shall not be denied to any citizen.</p> <p>The fee for public record copies may not exceed the actual cost of furnishing the copies. If the custodian determines the records are for primarily non-commercial purposes, the fee may be reduced or eliminated.</p>
<b>California</b>	<a href="#"><u>Cal Gov Code § 6253.4 (2007)</u></a>	<p>All public agencies must adopt rules for making public records available.</p> <p>If the public record is in electronic format, the custodian shall make the record available in electronic format when requested.</p> <p>A request for disclosure of public records must be focused and specific.</p> <p>Public has right to know and discuss all judicial proceedings, unless such right is expressly interdicted by constitutional or statutory provisions</p> <p>The cost of duplication shall be limited to the direct cost of duplication, or a statutory fee if applicable.</p> <p>If the record is not available in electronic format, the agency is not required to make it available electronically.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Connecticut</b>	<a href="#">§1-200, §1-211, and § 1-212</a>	<p>"Public agency" or "agency" means: any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or official.</p> <p>"Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract.</p> <p>An agency that maintains public records in a computer storage system shall make the records available on paper or in any electronic means requested, if reasonable.</p> <p>The fee for a record provided by a state executive, administrative, or legislative office shall not exceed \$0.25 per page. Records of all other agencies shall not exceed \$0.50 per page, and shall not exceed the cost to the public agency.</p> <p>For electronic records, the fee shall be equal to the hourly salary of the employee locating the record, or the cost to the agency of hiring an outside electronic copying service, if necessary, and the cost of storage devices and computer time to provide the requested record. The fee may be waived if the requester is indigent or providing the records benefits the general welfare.</p> <p>An individual may copy a record by using a hand-held scanner. The agency shall establish a fee structure not to exceed \$10.00 for copying records using a scanner.</p>
<b>Delaware</b>	<a href="#">§ 10003 (2008)</a>	<p>All public records shall be open to inspection and copying by any citizen of the State. Reasonable access to and reasonable facilities for copying of these records shall not be denied to any citizen. Any reasonable expense involved in the copying of such records shall be levied as a charge on the citizen requesting such copy.</p> <p>Each public agency shall establish rules and regulations and fees charged to access records.</p>
<b>District of Columbia</b>	<a href="#">§2-532 (2008)</a>	<p>A public agency shall make a public record available in any format requested provided the requester pays the cost of producing the record in that format. The agency shall make reasonable efforts to search for the record in electronic format.</p> <p>A public body shall provide the record in any form or format requested by the person, provided that the person shall pay the costs of reproducing the record in that form or format.</p> <p>In responding to a request for records pursuant to this section, a public body shall make reasonable efforts to search for the records in electronic form or format</p> <p>Each agency may establish its own fees, not to exceed the actual cost of providing the record. The agency shall make the record available within 15 days of the request.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Florida</b>	<i>Fla. Stat. § <a href="#">119.07</a> and § <a href="#">28.24</a> (2009)</i>	<p>§ 119.07 - Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.</p> <p>A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith</p> <p>The records custodian may provide remote electronic access to records and shall protect the records from unauthorized remote electronic access.</p> <p>The records custodian may charge a fee for electronic access established in a contractual arrangement with the requester. The fee may include the direct and indirect costs of access.</p> <p>If the volume of the records requested is such that it would require extensive use of personnel time and technology resources, then an additional service fee may be imposed and any additional expenses in providing a room, if necessary. The custodian may supervise the photographing of public records.</p> <p>Copies are \$0.15 one side plus \$0.05 for second side -- these are paper record prices. Certified copy is at least \$1.00 per document per Section 119.07(4)(c). However, it should be noted that Section 28.24(3) says \$2.00 for certifying the document, plus \$1.00 per page.</p> <p>§ 28.24 (5) provides exact fees for paper copies (\$1/page), plus microfilm (\$42/100 foot roll) and microfiche (\$3.50/fiche)</p> <p>(28) – The clerk of the circuit court may provide the requested public record in electronic format.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Georgia</b>	<i>O.C.G.A. <a href="#">§ 50-18-71</a>; <a href="#">§ 15-6-77</a> (2007)</i>	<p>§ 50-18-71 – A member of the public has a right to inspect or take extracts or make copies from any public records, instruments, or documents. Any person may access public records to make photographs or copies under the supervision of the records custodian.</p> <p>If there is no statutory fee for duplicating the records, the custodian may charge a fee not to exceed \$0.25 per page. A reasonable hourly charge not to exceed the salary of the lowest paid full time employee may be charged for search and retrieval of records. If the record is stored on a computer, the custodian may charge for the disk or tape onto which the record is transferred and for any time involved.</p> <p>§ 15-6-77 – Filing, regulations, fees for court records.</p> <p>The clerk may provide computer data or computer generated printouts of public records subject to disclosure maintained on computer by, or available to, the clerk, for each page or partial page of printed data or copies of such or its equivalent.....2.50</p>
<b>Hawaii</b>	<i>HRS <a href="#">§ 92F-12</a>; <a href="#">171-6</a> (2007); <a href="#">Admin Rules 13-16-22 to 13-16-24</a></i>	<p>§ 92F-12 - Any other provision in this chapter to the contrary notwithstanding, each agency shall make public records available for public inspection and duplication.</p> <p>§ 171-6 – The board of land and natural resources shall have the power to set and collect reasonable fees for the preparation of documents and the issuance of certified public records.</p> <p>§ 13-16-22 – The registrar may set fees for public records. The fees for a copy with the seal of office are \$1, or \$0.50 for records without an official seal. The registrar may authorize the use of microfilm. The fee for duplicating a microfilm record is \$0.02 per frame.</p> <p>The registrar shall, when applied to therefor, furnish an attested copy of any instrument or document recorded in the registrar's office.</p> <p>The registrar may authorize any person or agency to use original microfilms of documents recorded in the registrar's office or recorded in the office of the assistant registrar for the purpose of making duplicates of such microfilms. A charge of two cents per frame for each duplicate film shall be paid to the State.</p>
<b>Idaho</b>	<i>Idaho Code <a href="#">§ 31-2419</a>; <a href="#">§ 31-3219</a> (2008)</i>	<p>§ 31-2419 –The recorder may provide access to electronic records on public access terminals. A title company, as a member of the public, has a right to inspect, free of charge, records maintained at the recorder's office.</p> <p>§ 31-3219 – The county recorder and the district court clerk may charge \$1.00 per page for copies of records.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Illinois</b>	<a href="#">5 ILCS 140/6 (2008)</a>	<p>Each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records. Such fees shall exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by State statute. Such fees shall be imposed according to a standard scale of fees, established and made public by the body imposing them.</p> <p>Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest.</p>
<b>Indiana</b>	<i>Burns Ind. Code Ann. <a href="#">§ 36-2-7-10 (2008)</a>; <a href="#">§ 5-14-3-8 (2008)</a></i>	<p><a href="#">§ 36-2-7-10</a> The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users. The county recorder shall charge bulk users the following for bulk form copies:</p> <p>(1) Seven cents (\$0.07) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.</p> <p>(2) Seven cents (\$0.07) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.</p> <p><a href="#">§ 5-14-3-8</a> Except as provided in this section, a public agency may not charge any fee under this chapter: To inspect a public record; or to search for, examine, or review a record to determine whether the record may be disclosed.</p> <p>The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents (\$0.10) per page, whichever is greater. For providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the agency's reasonable costs, and the standard cost for selling the same information to the public.</p>
<b>Iowa</b>	<a href="#">Iowa Code § 22.3 (2008)</a>	The examination and copying of public records shall be done under the supervision of the lawful custodian of the records. The records custodian may adopt rules regarding the inspection and copying of records. The custodian may charge a reasonable fee, not to exceed the actual cost.
<b>Kansas</b>	<a href="#">§ 45-219</a> ; K.S.A. <a href="#">§ 75-3506 (2006)</a>	<p><a href="#">§ 45-219</a> – Copies of public records may be made under the supervision of the custodian. Each public agency may charge reasonable fees, not to exceed \$0.25 per page, for access to or copies of public records. Fees for computerized records may only include the cost of computer services and staff time.</p> <p><a href="#">§ 75-3506</a> - Any public officer of the state may cause any or all records, papers or documents kept by the public officer to be photographed, micro-photographed, reproduced on film or optical disc.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Kentucky</b>	<a href="#">§ 61-874</a>	<p>Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of <i>KRS 61.878</i>.</p> <p>If the agency keeps the records in electronic format, the requester may copy nonexempt records for noncommercial purposes in hard copy or electronic copy. The minimum standard format for electronic records shall be a flat file electronic American Standard Code for Information Interchange (ASCII) format. An alternate format may be used if it complies with the request. The public agency may charge a reasonable fee for copies of nonexempt records for noncommercial purposes, not to exceed actual cost.</p> <p>If the General Assembly has not prohibited disclosing public records intended to be used for commercial purposes, the public agency may charge a reasonable fee and may require a certified statement setting forth the requester's intended commercial purpose. It is unlawful to use public records for a commercial purpose without stating the commercial purpose for which the records are intended.</p>
<b>Louisiana</b>	<a href="#">La. R.S. § 44:32 (2008)</a>	<p>The custodian shall present any public record to any person of the age of majority who so requests. Any person, as provided for in <i>R.S. 44:31</i>, may request a copy or reproduction of any public record and it shall be the duty of the custodian to provide such copy or reproduction to the person so requesting.</p> <p>The custodian may collect reasonable fees for copies of public records. The custodian of records may establish uniform procedures for copying records. No fee is charged for reviewing the records. This section also requires the custodian to produce copies of computer disks when requested. <i>Granger v. Litchfield</i>, 645 So. 2d 1262, (1994).</p>
<b>Maine</b>	<a href="#">1 M.R.S. § 408 (2007)</a> ; <a href="#">33 M.R.S. § 751 (2007)</a>	<p><i>§ 408</i> - Except as otherwise provided by statute, every person has the right to inspect and copy any public record. Each public agency may charge a reasonable fee for copying records. It also may charge for the actual cost of searching for records, not to exceed \$10 per hour.</p> <p><i>33 M.R.S. § 751</i> - Registers of deeds shall receive the following fees for: Receiving, recording and indexing any instrument that may be recorded and for which a specific fee is not set forth in this section or in any other section, the sum of \$ 13 for the first record page and \$ 2 for each additional record page or portion of an additional record page. In addition, if more than 4 names are to be indexed, a fee of \$ 1 must be paid for each additional name, counting all grantors and grantees.</p>
<b>Maryland</b>	<a href="#">Md. State Government Code Ann. § 10-621 (2008)</a>	<p>The Custodian may charge a reasonable fee for searching, preparing, or copying records. However, a fee may not be charged for the first 2 hours spent searching and preparing records.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Massachusetts</b>	<a href="#">ALM GL ch. 262, § 38 (2008); ch. 66 § 10</a>	<p>§ 262-38 – All copies of records, whether copied from books or obtained electronically, shall be \$1 per page. Copies from coin operated copy machines shall be \$0.50 per page.</p> <p>§ 66-10 – All public agencies shall allow public records to be inspected and shall furnish one copy for a reasonable fee. The requester shall pay the actual cost of searching for a public record. The custodian has 10 days to comply with a request to inspect a public record.</p>
<b>Michigan</b>	<a href="#">MCLS § 15.233 and § 15.234 (2008)</a>	<p>§ 15.233 –Upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body. Providing a computer printout of a record contained on computer tape does not satisfy the statutory duty to provide a requested record. <i>Farrell v City of Detroit</i>, 530 NW2d 105 (1995).</p> <p>§ 15.234 – An agency may charge a fee for search, inspection, and/or copying public records. An agency may waive or reduce the fee if it determines it is in the public interest. The fee may not be more than the hourly wage of the lowest paid employee. Fees must be uniform.</p>
<b>Minnesota</b>	<a href="#">§13.03</a>	<p>All government data collected, created, received, maintained or disseminated by a government entity shall be public unless classified by statute, or temporary classification pursuant to section 13.06, or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential. The responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, or microfilmed records shall be accessible regardless of size.</p> <p>Each agency shall establish procedures for inspection of records. The public shall have the right to inspect electronic records through remote access to the data and shall have the ability to print or download records from an individual's own computer. If 100 or less pages of copies are requested, the fee shall not exceed \$0.25 per page. For more pages, the fee shall be the actual cost.</p> <p>Any records stored in a computer storage medium shall be made available to the public in that same medium if reasonably possible.</p>
<b>Mississippi</b>	<a href="#">Miss. Code Ann. § 25-61-7 (2008)</a>	<p>§ 25-67-7 – Each public agency may charge reasonable fees not to exceed the actual cost of searching, reviewing, and copying records.</p> <p>§ 25-61-1 – Each agency must provide reasonable access to records stored electronically. An agency may establish a fee scale for reimbursement for creating or maintaining electronically accessible data.</p> <p>§ 25-61-10 – An agency shall provide a record in the requested format if it maintains the record in the specified format.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Missouri</b>	<a href="#">§ 59.310</a> <a href="#">R.S.Mo. (2008)</a>	For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter; For duplicate copies of the records in a medium other than paper, the recorder of deeds shall set a reasonable fee not to exceed the costs associated with document search and duplication; and
<b>Montana</b>	<a href="#">M.C.A. § 7-1-4144</a>	Except as provided in subsection (2), all records and other written materials in the possession of a municipality shall be available for inspection and reproduction. The agency may charge reasonable fees for inspection.
<b>Nebraska</b>	<a href="#">R.R.S. Neb. § 84-712 (2007)</a>	Individuals are permitted to inspect and copy using their own equipment any public records free of charge.  Copies may be obtained in any format requested in which the record is maintained. The agency may charge a fee, not to exceed the actual cost, for providing the copy of the record. The actual cost of copies of electronic data shall include the cost of computer run time, programming, and producing the record in the requested format. The custodian is not required to produce a record in a format in which it is not maintained.
<b>Nevada</b>	<a href="#">Nev. Rev. Stat. Ann. § 239.052 (2007)</a> ; <a href="#">NRSA § 239.010</a>	§ 232.052 – An agency may charge a fee, which cannot exceed the actual cost, for providing a copy of a public record. The agency may waive a fee if it adopts a uniform procedure and posts it conspicuously. § 239.010 – Each agency must make its public records available for inspection during regular business hours. An individual may request a record in any medium which the record is available.
<b>New Hampshire</b>	<a href="#">NH RSA § 41:24</a>	§41:24 – The town clerk shall furnish records when requested.
<b>New Jersey</b>	<a href="#">N.J. Stat. § 47:1A-5</a>	The custodian of a government record shall permit the record to be inspected, examined, and copied by any person during regular business hours. Copies of public records may be provided for a fee which shall be the actual cost of duplicating the record. The records custodian shall provide the public record in the medium requested if the agency maintains the record in that medium. If the agency does not maintain the record in that medium, it shall convert the record to the medium requested or provide the record in another meaningful medium. If the medium requested is one not routinely used by the agency, the agency may charge an additional fee.
<b>New Mexico</b>	<a href="#">N.M. Stat. Ann. § 14-2-9</a>	To preserve the integrity or confidentiality of computer data in a database, a partial printout of data in computer records may be provided instead of the entire record.  The fee for copies of public records shall not exceed \$1.00 per page.

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>New York</b>	<a href="#">Public Officers Law § 87(1)(b)</a> <a href="#">NY CLS CPLR § 8019 (2008)</a>	<p>Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records. A public agency is required to produce electronic information if it can be made available in the format requested. However, if a record is only stored on paper, an agency is not required to provide the information electronically. For either paper or electronic copies of electronically stored records, the fee shall be the actual cost of reproduction.</p> <p><i>NY CLS CPLR § 8019 (2008)</i> - Copies of records. The following fees, up to a maximum of [fig 1] forty dollars per record shall be payable to a county clerk or register for copies of the records of the office except records filed under the uniform commercial code:</p> <ol style="list-style-type: none"> <li>1. to prepare a copy of any paper or record on file in the office, except as otherwise provided, [fig 2] sixty-five cents per page with a minimum fee of one dollar thirty cents;</li> <li>2. to certify a prepared copy of any record or paper on file, [fig 1] sixty-five cents per page with a minimum fee of five dollars twenty cents;</li> <li>3. to prepare and certify a copy of any record or paper on file, one dollar twenty-five cents per page with a minimum fee of five dollars; and</li> <li>4. to prepare and certify a copy of a certificate of honorable discharge, except as provided for in the military law, two dollars fifty cents.</li> </ol>
<b>North Carolina</b>	<a href="#">§ 132-1</a> and <a href="#">§ 132-6.2</a>	<p>§132-1 – Public record shall include documents, film, photographs, books, electronic records, etc. Copies of public records shall be made available to the public for “minimal cost” which shall mean the actual cost.</p> <p>§ 132-6.2 – A person requesting copies of public records may obtain them in any format in which the agency is capable of providing them. No requests for records in a particular format may be denied on the grounds that the custodian prefers a different format. A public agency is not required to put into electronic format a record that is not already stored in electronic format</p> <p>Persons requesting copies of computer databases may be required to make or submit such requests in writing.</p> <p>The fee for an uncertified copy of a record may not exceed the actual cost, unless providing the record in the requested format requires greater use of resources.</p>
<b>North Dakota</b>	<a href="#">Cent. Code § 44-04-18</a>	<p>Public agencies shall make records available during regular business hours. Upon request, the custodian shall provide one copy of a public record. There is no charge for access to electronic records if they may be recovered without the use of a computer backup. The agency may charge a reasonable fee for copies of electronic records. The agency is not required to create a record that does not exist. A custodian is not required to provide a record in a computer file if there is no means to separate confidential information.</p> <p>A state-level public entity as defined in subdivision a of subsection 12 of <i>section 44-04-17.1</i> may establish procedures for providing access from an outside location to any computer data base or electronically filed or stored information maintained by that entity.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Ohio</b>	<a href="#">ORC Ann. § 149.43(B)</a>	<p>Record definitions listed. Upon request, all public records shall be promptly prepared and made available for inspection to any person at reasonable times.</p> <p>A requester of records may request a public record be provided on paper, in the same medium as it is stored, or in another medium reasonably available.</p> <p>Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items. Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.</p> <p>Copies shall be provided at cost, including storage, labor, &amp; equipment costs. Bulk data defined as 50+ images.</p>
<b>Oklahoma</b>	<a href="#">51 Okl. St. § 24A.5 (2007)</a>	<p>Public records must be made available, any exempt portions should be segregated. Records custodian may charge a fee for the reasonable cost of providing copies, which shall not exceed \$0.25 per page. If the request is solely for commercial purpose, the public body may charge a reasonable fee to recover the direct cost of record search and copying. Charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy.</p> <p>A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.</p>
<b>Oregon</b>	<a href="#">ORS § 192.440 (2007)</a>	<p>The records custodian must provide the requested public records for copying or inspection, or provide a statement of why the request cannot be fulfilled. If the record is available in electronic form, the custodian shall provide a copy in that format if requested. If the record is not available in the requested format, the custodian shall provide the record in whatever format the record is currently stored.</p> <p>The custodian may charge fees for compiling records or tailoring them to meet a specific request.</p>
<b>Pennsylvania</b>	No statewide statute or administrative reg found – <a href="#">Right to Know (Sunshine Law)</a>	<p>An agency may make its records available through any publicly accessible electronic means.</p> <p>When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.</p>
<b>Rhode Island</b>	<a href="#">Gen. Laws § 38-2-4</a>	<p>A public agency must provide copies of public records for a fee not to exceed \$0.15 per page. Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. The fee may not exceed the actual cost. The agency shall provide an estimate of the cost prior to providing copies of the record.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>South Carolina</b>	<a href="#"><u>Code Ann. § 30-4-30</u></a>	Every person has a right to inspect public records. The agency may charge fees not to exceed the actual cost of providing the record. The records must be provided in a format that is convenient for the requester and the public agency.
<b>South Dakota</b>	<a href="#"><u>S.D. Codified Laws § 7-9-15 (2008)</u></a>	§7-9-15 - The fee for copies of certified records shall be \$2.00 plus \$0.20 per page, or \$1.00 and \$0.20 per page for uncertified records. The Board of County Commissioners shall establish the fee for copies of microfilm.
<b>Tennessee</b>	<a href="#"><u>Tenn. Code Ann. § 10-7-123 (2008)</u></a>	<p>Each county official may provide computer and remote electronic access to records in that office stored on computer media. The official may charge a reasonable fee to recover the costs of providing access.</p> <p>A reasonable fee for providing access to the remote electronic access information system shall be an amount sufficient to recover the cost of actually providing such services and no more.</p> <p>No fee shall be charged to view electronic or other records at the place where they are maintained. Once an agency has created a remote electronic access information system, access must be given to anyone who requests it, even if the requester intends to use the information for proprietary purposes.</p>
<b>Texas</b>	<a href="#"><u>Tex. Gov't Code § 552.261 (2007)</u></a>	The fee for a public record shall be a reasonable cost for reproducing the public information, including costs of materials, labor, and overhead. When the fee includes the cost of labor, the requester shall be provided with a written statement detailing the charge.
<b>Utah</b>	<a href="#"><u>§ 17-21-18.5</u></a>	The county recorder shall charge a reasonable fee for providing copies of any record or document.
<b>Vermont</b>	<a href="#"><u>1 V.S.A. § 316 (2007)</u></a>	<p>Anyone may inspect public records during regular business hours.</p> <p>The agency may charge for the actual cost of providing the copy of the record. The secretary of state shall adopt a uniform schedule of charges for state agencies. In establishing a charge, the secretary shall only consider the cost of paper or the electronic media on which the copy is made.</p> <p>A public agency having the equipment necessary to copy its public records shall utilize its equipment to produce copies.</p> <p>The standard form for copies of electronic records shall be the format in which the record is maintained. An agency may convert paper records to electronic format, but is not required to.</p>

<b>FREEDOM OF INFORMATION ACT CITATIONS FROM STATE STATUTES</b>		
<b>State</b>	<b>Citation</b>	<b>Summary</b>
<b>Virginia</b>	<a href="#">Va. Code Ann. § 2.2-3704 (2008)</a>	<p>Public records shall be available for inspection during regular business hours. Except as otherwise specifically provided by law, all public records shall be open to inspection and copying by any citizens of the Commonwealth during the regular office hours of the custodian of such records.</p> <p>The fee for copies shall be a reasonable fee not to exceed the actual cost. Public records maintained in a computer database or electronic data processing system shall be made available at a reasonable cost. The agency shall make a reasonable effort to provide the record in the format requested. However, the agency will not be required to produce a record in a format not regularly used by the agency.</p> <p>Every public body of state government shall compile, and annually update, an index of computer databases that contains at a minimum those databases created by them on or after July 1, 1997.</p>
<b>Washington</b>	<a href="#">§ 42.56.070</a>	Each agency shall make its records available for public inspection. Each agency shall post the cost per page for copies of records. An agency may not use staff salaries, benefits, or overhead charges in calculating the fee for copies.
<b>West Virginia</b>	<a href="#">W. Va. Code § 29B-1-3 (2007)</a>	<p>Every person has a right to inspect public records. A request to inspect or copy any public record of a public body shall be made directly to the custodian of such public record.</p> <p>If the records requested are stored in magnetic, electronic or computer form, the custodian of the records shall make such copies available on magnetic or electronic media, if requested. All requests for information must state with reasonable specificity the information sought.</p>
<b>Wisconsin</b>	<a href="#">Wis. Stat. § 19.35 (2007)</a>	<p>Public records that are not exempt shall be available for inspection. Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record which appears in written form. The agency is not required to take information from public records and compile it in a new format.</p> <p>The records custodian may impose a fee that does not exceed the actual cost.</p>
<b>Wyoming</b>	<a href="#">Wyo. Stat. § 16-4-204 (2007)</a>	<p>A person may inspect and obtain copies of public records.</p> <p>If the custodian does not have the facilities for making copies, printouts or photographs of records which the applicant has the right to inspect, then the applicant shall be granted access to the records for the purpose of making copies, printouts or photographs.</p> <p>The custodian may charge a reasonable fee for making copies.</p>

## Appendix B – Technology Fund Fees

NOTE: This chart updated February 7, 2011 and distributed to NACRC, IACREOT and PRIA

Technology Fund Fees				
State	Statutory Citation	Summary	Yes	No
Alabama	<a href="#">AL Code 45-14-82.70</a> Special recording fee for Clay County  <a href="#">AL Code 45-9-84.22</a> Special recording fee for Chambers County  <a href="#">AL Code 45-17-82.20</a> Special recording fee for Colbert County  <a href="#">AL Code 45-2-83.21</a> Special recording fee for Baldwin County	It appears that a number of AL's 67 county judges of probate have had a special recording fee enacted at varying times from 1997-2003. The amount is generally \$5/document. Statutory citations in column to the left are samples only. Not able to confirm if each judge of probate has such a special recording fee and it's unclear if the money is to be used for technology-related expenses.	X	
Alaska	None	Whenever we need upgrades, new equipment, or more money for conversion and preservation projects we must make a request to the Legislature for Capital Improvement money. Sometimes we are successful with these requests and sometimes we are not.		X

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Arizona</b>	<a href="#">Arizona RS 11-475.01</a> (1986) As of 2010 all AZ counties are charging \$4.	Special recording surcharge of not to exceed \$4/document. Board of supervisors administers the fund and, in cooperation with the county recorder, expends monies in the fund in order to defray the cost of converting the county recorder's document storage and retrieval system to micrographics or computer automation. Monies in the fund may only be used for purchasing hardware and software, training employees to operate the system, maintaining the system, purchasing equipment maintenance agreements and updating the system hardware or software for the county recorder's office. Monies in the fund shall not be expended for expenses other than for the support of the county recorder's automation system.	X	
<b>Arkansas</b>	<a href="#">Arkansas Code 21-6-306</a> County Recorder's Cost Fund (originally 1995; updated 2007)  <a href="#">Arkansas Code 14-20-107</a> Automated Records Systems Fund (ARSF)	Fees collected placed into fund and money spent at the discretion of the Recorder. Per 21-6-306(c)(2), 25% of the money collected annually is to be spent on purchase, maintenance, and operations of the automated records system, including acquisition and update of software. Unneeded funds and any funds > \$1 million are transferred to County General Fund.  The ARSF is funded only by class 6 and 7 counties (population of >70,000) paying \$1/document into the fund; Association of Arkansas Counties is trustee; award grants to class 1-5 counties (population of <70,000) based upon applications and to be used solely for purposes related to office automation.	X	

Technology Fund Fees				
State	Statutory Citation	Summary	Yes	No
California	<p><a href="#">Calif Code 27361- 27388</a> (1<sup>st</sup> four items)</p> <ul style="list-style-type: none"> <li>• 27361(c) Modernization (\$1/page)</li> <li>• 27361.4(a) Micrographics (\$1.00 per document)</li> <li>• 27361(d)(1) Redaction (\$1.00 per document) (Social Security Number Truncation)</li> </ul>	<ul style="list-style-type: none"> <li>• One dollar (\$1) for recording the first page and one dollar (\$1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county’s system of recorded documents.</li> <li>• The board of supervisors of any county may provide for an additional fee of one dollar (\$1) for filing every instrument, paper, or notice for record, in order to defray the cost of converting the county recorder's document storage system to micrographics. Upon completion of the conversion and payment of the costs therefore, this additional fee shall no longer be imposed.</li> <li>• In addition to all other fees authorized by this section, a county recorder may charge a fee of one dollar (\$1) for recording the first page of every instrument, paper, or notice required or permitted by law to be recorded, as authorized by each county's board of supervisors. The funds generated by this fee shall be used only by the county recorder collecting the fee for the purpose of implementing a social security number truncation program pursuant to Article 3.5 (commencing with Section 27300).</li> </ul>	X	

Technology Fund Fees				
State	Statutory Citation	Summary	Yes	No
California ( page 2 continued)	<ul style="list-style-type: none"> <li>• 27388(a) DA Fraud Fee (\$3.00 per specified document types)</li> </ul>	<p>In addition to any other recording fees specified in this <b>code</b>, upon the adoption of a resolution by the county board of supervisors, a fee of up to three dollars (\$3) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded within that county, except those expressly exempted from payment of recording fees. "Real estate instrument" is defined for the purpose of this section as a deed of trust, an assignment of deed of trust, a reconveyance, a request for notice, a notice of default, a substitution of trustee, a notice of trustee sale, and a notice of rescission of declaration of default. "Real estate instrument" does not include any deed, instrument, or writing subject to the imposition of a documentary transfer tax as defined in Section 11911 of the Revenue and Taxation <b>Code</b>, nor any document required to facilitate the transfer subject to the documentary transfer tax. The fees, after deduction of any actual and necessary administrative costs incurred by the county in carrying out this section, shall be paid quarterly to the county auditor or director of finance, to be placed in the Real Estate Fraud Prosecution Trust Fund. The amount deducted for administrative costs shall not exceed 10 percent of the fees paid pursuant to this section.</p>	X	

Technology Fund Fees				
State	Statutory Citation	Summary	Yes	No
<p><b>California</b> (page 3 continued)</p>	<p><a href="#">27397(a) – (c)(1)</a> Electronic Recording (\$1/document)</p>	<p>(a) A county establishing an electronic recording delivery system under this article shall pay for the direct cost of regulation and oversight by the Attorney General.</p> <p>(b) The Attorney General may charge a fee directly to a vendor seeking approval of software and other services as part of an electronic recording delivery system. The fee shall not exceed the reasonable costs of approving software or other services for vendors.</p> <p>(c) In order to pay costs under this section, a county may do any of the following:</p> <p>(1) Impose a fee in an amount up to and including one dollar (\$1) for each instrument that is recorded by the county. This fee may, at the county's discretion, be limited to instruments that are recorded pursuant to the electronic recording delivery system.</p>	X	
<p><b>Colorado</b></p>	<p><a href="#">Colorado Revised Statutes</a> 30-10-421 Definitions (Created in 2002, updated in 2003, 2004 and 2006)</p> <p><a href="#">Colorado Revised Statutes</a> 30-10-422 Technology Fund  (Created in 2002, updated in 2004)</p>	<ul style="list-style-type: none"> <li>• The Clerk and Recorder will collect a \$1 surcharge on every document recorded. The dollar must be used to establish, maintain or improve an electronic filing system or defray the cost of necessary improvements to the core filing system.</li> <li>• Monies in the fund will be used to fund grants for system improvements for counties. Monies cannot be deposited in the General Fund.</li> </ul>	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Connecticut</b>	<a href="#">CT Historic Preservation Fund</a>	\$2/recording for historic preservation (but not clerk technology use) which money goes to State Treasurer for deposit in the general fund for credit to land protection, affordable housing and historic preservation.		X
<b>Delaware</b>	<a href="#">New Castle County Code 2.03.004.C</a> (2 of 3 counties – Kent and Sussex – do not have; only New Castle has.)	\$1/document	X	
<b>District of Columbia</b>	<a href="#">DC Code 42-1214</a> Recorder of Deeds Automation and Infrastructure Improvement Fund (initially passed in 1999 for 5 years and extended every 5 years since its inception)	\$6.50 per document Revenue accruing to the Fund shall be used solely and exclusively to cover the cost of updating the automation system of the Recorder of Deeds and repair of the infrastructure located at 515 D Street. These costs shall include, but not limited to, purchasing of computer hardware and software, maintenance of the new computers, training staff to implement and operate the new system, and the repair of the infrastructure components necessary to meet the overall mission of the recorder of Deeds.	X	
<b>Florida</b>	<a href="#">FL Statute 28.24</a> §28.24(12)(d) – added 1987  §28.24(12)(e) – added 2004	<ul style="list-style-type: none"> <li>Public Records Modernization Trust Fund. In effect since 1987: \$1 for 1<sup>st</sup> page and \$0.50 for each additional page. Used exclusively for equipment and maintenance of equipment, personnel training and technical assistance in modernizing the public records system of the office.</li> <li>\$4 per page for court-related technology needs</li> </ul>	X	
<b>Georgia</b>	None			X

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Hawaii</b>	<a href="#">HI Revised Statutes 502-8</a> (Became law via Act 120, 2009 Session Laws of Hawaii)	\$5/document to support purchases of hardware, system design, and staff training related to automation of the Bureau of Conveyances; effective 7/2009  Law authorized the \$5 additional fee; rule-making is a lengthy process; therefore the legislature authorized charge of \$5 BEFORE rule was completed.	X	
<b>Idaho</b>	None			X
<b>Illinois</b>	<a href="#">55 ILCS/3-5018</a> Based on Illinois Public Act 83-1321	“The county board of any county may provide for an additional charge of \$3 for filing every instrument, paper, or notice for record, (1) in order to defray the cost of converting the county recorder’s document storage system to computers or micrographics and (2) in order to defray the cost of providing access to records through the global information system known as the Internet. A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used (1) for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document records system and (2) for a system to provide electronic access to those records.”	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
Indiana	<a href="#">IN Statute title 36 art 2 ch7</a>	<b>IC 36-2-7-10 (d)</b> "The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under section 10.1 of this chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and IC 36-2-7.5-6(c)(1) (after June 30, 2011), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year."	X	

Technology Fund Fees				
State	Statutory Citation	Summary	Yes	No
Iowa	<a href="#">Iowa Code 331.604</a>	<ul style="list-style-type: none"> <li>• \$5.00 basic fee per page for each document recorded in Iowa (except military documents which are recorded for free).</li> <li>• Beginning July 1, 1994, a \$1.00 <b>Records Management Fee</b> was added to all recorded documents for the purposes outlined in the law.</li> <li>• For one year, beginning July 1, 2003, through June 30, 2005, we collected an additional \$5.00 per document <b>eCommerce fee</b> which was used to create the Iowa Land Records website and eSubmission portal. After that, the fee was reduced to \$1.00 per document.</li> <li>• From July 1, 2009, through June 30, 2011, the fee was increased to \$3.00 per document (except for plats of survey) so we could <b>redact</b> personally identifiable information. SSNs, bank account, debit card and credit card numbers are required by law to be redacted before being sent to the website. We recently decided to include driver's license numbers because the DOT couldn't assure us that all licenses now have a randomly-assigned number. And we are including "Alien Registration Card" numbers (green card numbers). I had a Petition for Name Change recorded where Homeland Security authorized a name change for a person who became a citizen. I didn't know they could do that – even our state Vital Records Dept didn't know they could do that – but a rep. from H.S. told me that they can do name changes and that the green card number is like a SSN.</li> </ul>	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Kansas</b>	<a href="#">Kansas Code 28-115(b)</a> <a href="#">Kansas Code 28-115a(a) - (h)</a>	Effective statewide since 7/1/2002: Register of Deeds Technology Fund = \$2/page. Money to be used by the register of deeds to acquire equipment and technological services for storing, recording, archiving, retrieving, maintaining and handling of data recorded or stored in the office of the register of deeds.	X	
<b>Kentucky</b>	<a href="#">KY Revised Statutes 142.010(5)</a> (apparently 2006)	\$1 per document to a fund administered by the Kentucky Dept of Libraries and Archives for its local records grant program	X	
<b>Louisiana</b>	None			X
<b>Maine</b>	<a href="#">Maine Revised Statutes: Title 33, Chapter 11, subchapter 4, §752</a> (1997)	Records preservation surcharge: In addition to any other fees required by law, a register of deeds may collect a surcharge of \$3 per document for all records that are recorded in the registry of deeds, except those recorded by agencies of State Government and municipalities. The money must be used for the restoration, re-creation and preservation of the records recorded in the office of the register of deeds, including preservation by creation of a digital image stored on magnetic or optical media. The money may not be used for initial recording of documents.	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Maryland</b>	<p><a href="#">Md. Courts &amp; Judicial Proc. Code Section 13-601-607</a> Circuit Court Real Property Records Improvement Fund; created 1991</p> <p><a href="#">MD Code Section 13-602</a> Oversight Committee established 1995</p>	<p>In each county and Baltimore City, the Fund is used to repair, replace, modernize, and maintain equipment in the local land records office of the Clerk of the Circuit Court. \$20 surcharge/recordable instrument finance the Fund.</p> <p>The Oversight Committee on the Circuit Court Real Property Records Improvement Fund advises the State Court Administrator on managing and dispersing the Circuit Court Real Property Records Improvement Fund. The Committee has five members.</p>	X	
<b>Massachusetts</b>	<p><a href="#">MA General Laws Chapter 9 Section 3</a> (modified in 5/2010 to extend timeframe 5 more years)</p> <p><a href="#">MA General Laws Chapter 29 Section 2JJ</a> created Registers Technological Fund</p>	<p>\$5/document from 3/15/2003 to 6/30/2016 for automation, modernization, operation and technological improvements at the registries of deed; money forwarded to Registers Technological Fund. After 6/30/2016, money to state's General Fund.</p>	X	
<b>Michigan</b>	<p><a href="#">MCL 600.2567</a></p> <p><a href="#">MCL 600.2567a</a></p> <p><a href="#">MCL 600.2568</a></p>	<p>\$5.00 per document for automation and preservation, drawn from \$10 for 1<sup>st</sup> page and \$3 for each additional page; apparently added in 2002</p>	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Minnesota</b>	<a href="#">MN Statute 357.18</a> (2005) and <a href="#">MN Statute 357.182</a> (2007)	In 2005, Minnesota passed legislation that puts \$10.00 per document into a Tech Fund (MN 357.18) and in 2007 passed legislation that puts \$11.00 per document into a Compliance Fund (MN 357.182). The compliance fund is to help the recorder, and other land related offices that process real estate documents, stay in compliance with State Standards (turnaround time). The Tech Fund is to be used by the recorder to improve technology within their offices (software, computers and so on).	X	
<b>Mississippi</b>	<a href="#">MS Code Ann. Section 25-60-5</a>	Local Government Records Program fee (commonly known as the "Archive Fee"). It is \$1.00 per record filed and requires approval of the local county Board of Supervisors. Upon such approval, the county keeps fifty cents of each \$1.00 collected and sends the other fifty cents to the MS Department of Archives and History via the State Treasurer. This can be used for any sort of records preservation efforts which the county may adopt.	X	

Technology Fund Fees				
State	Statutory Citation	Summary	Yes	No
Missouri	All fees are statewide and uniform. <a href="#">RSMO 59.319.1</a> (1989)	\$2.00 per document retained by recorder for record storage, microfilming, and preservation and anything necessarily pertaining thereto. (Note: in RSMO 59.319, we even included language that it couldn't be used to subsidize or substitute for general revenue, but recorder's General Revenue budgets are constantly being cut to make them use the special funds for ongoing operations. We haven't found a way to enforce that. What we failed to do that other special funds have done since is to set a floor on reducing the General Revenue budget below what it was the year the fees were established. That way the operating budget would never be less, even if it didn't increase. Maybe even try to tie it to the CPI index; that way it goes up or down and is a good argument.)	X	
	<a href="#">RSMO 59.800.1(2)</a> (2001)	There is also \$2 per document which goes to the State Records Preservation Fund, creating a pool of money administered by Secretary of State to provide assistance to local governments for their records preservation projects, as matching funds to cover half the cost any given project.		
	<a href="#">RSMO 59.310.3</a> (2001)	\$1.25 per document deposited in fund pursuant to RSMO 59.319 to be used exclusively for the purchase, installation, upgrade and maintenance of modern technology necessary to operate the recorder's office in an efficient manner.  \$25.00 per document for non-standard formatting to be deposited pursuant to RSMO 59.319.		

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Montana</b>	<a href="#">Montana Code Annotated 7-4-2635</a> (Enacted as Sec. 2, Ch. 355, L. 1991)	Records Preservation Fund – To be established by the board of county commissioners for the purpose of preserving the records maintained by the clerk & recorder. \$1 for each document recorded. The clerk & recorder is responsible for expenditures from the fund and shall use the money for records preservation. The governing body may transfer to the general fund any money in the records preservation fund that is not needed for records preservation.  (Some clerks have a problem with the commissioners transferring the money at will but most of us are able to keep the money and roll it into the next budget.)	X	
<b>Nebraska</b>	None	(Note: working on passing one in 2011)		X
<b>Nevada</b>	<a href="#">NRS 247.305(2), 247.306</a>	Not to exceed \$3 per document excepting Certificate of Marriage.	X	
<b>New Hampshire</b>	<a href="#">NHRSA 478:17-J</a> (1993)	\$2 surcharge fee added to all documents. Can only be used for rental, lease, purchase or repair of equipment for Registry of Deeds	X	
<b>New Jersey</b>	<a href="#">NJSA 22A:4-17.1</a> Effective 1986 and increased to \$2 effective 1990	\$2/document to the clerk/register to be used to upgrade and modernize the service provided by their offices; services to be upgraded at discretion of the clerk.	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>New Mexico</b>	<a href="#">NM Statutes Annotated 14-8-12.2</a> (Equipment Recording Fee (established 1978))	\$4 equipment recording fee per document recorded; money to county clerk recording and filing fund; county clerk determines annual expenditures needed and board of county commissioners approves; basically money to be spent on recording equipment, vehicles for county clerk's office; technical assistance, or staff travel and training	X	
<b>New York</b>	None			X
<b>North Carolina</b>	<a href="#">NC Statute 161-11.3</a> Automation Enhancement and Preservation Fund (2001)	Ten percent (10%) of the fees collected pursuant to G.S. 161-10 and retained by the county, or three dollars and twenty cents (\$3.20) in the case of a fee collected pursuant to G.S. 161-10(a)(1a) for the first page of a deed of trust or mortgage, shall be set aside annually and placed in a nonreverting Automation Enhancement and Preservation Fund, the proceeds of which shall be expended on computer or imaging technology and needs associated with the preservation and storage of public records in the office of the register of deeds. Nothing in this section shall be construed to affect the duty of the board of county commissioners to furnish supplies and equipment to the office of the register of deeds. (2001-390, s. 2; 2007-353, s. 5; 2009-451, s. 17.8(c).)	X	
<b>North Dakota</b>	<a href="#">NDCC 11-18-05.1a &amp; NDCC 11-18-22</a>	North Dakota has a \$3.00 preservation fee attached to each recorded document. The \$3.00 must be placed in the Document Preservation Fund and can only be used by the Recorder for preservation and technology purposes.	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Ohio</b>	<a href="#">OH Revised Code 317.321</a> Acquisition or maintenance of micrographic or other equipment or for contract services (2001)	\$7/document recorded (up from \$4/document as of 6/18/10); money goes to county treasury designated as "general fund moneys to supplement the equipment needs of the county recorder"; however, 50 - 60% of the recorders do not receive the monies from this fund and it is used by the governing board to balance the general fund of the county	X	
<b>Oklahoma</b>	<a href="#">OK Statutes 28-32</a>	"C. For the purpose of preserving, maintaining, and archiving recorded instruments including, but not limited to, records management, records preservation, automation, modernization, and related lawful expenditures, in addition to all other fees required by law, the county clerk shall collect Five Dollars (\$5.00) for each instrument recorded with the Registrar of Deeds. D. There is hereby created a fund to be known as the "County Clerk's Records Management and Preservation Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of the fees and monies accruing to the fund, as prescribed in subsection C of this section with all monies accruing to the fund to be expended by the clerk and not transferred to any other fund. The intent of this section is to increase the net funding level available to the county clerk to maintain and preserve public records."	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Oregon</b>	<a href="#">Oregon statute - 205.320(18)</a> (only 2 counties using)	5% portion of some fees is collected and can be used for technology and records restoration and enhancements. No state-wide technology fee. Funding for technology and records restoration is proposed and approved at the county level (2 counties only).	X	
<b>Pennsylvania</b>	<a href="#">2001-02 PA bill text - HB 2223</a> (2002)	County Records Improvement Fund – passed April 17, 2002 – Recorder of Deeds (ROD) collects \$5.00 for each document recorded. \$3.00 stays with ROD; \$2.00 goes to the County Record Improvement Fund to be used by other offices.	X	
<b>Rhode Island</b>	None			X
<b>South Carolina</b>	None			X
<b>South Dakota</b>	None	(may introduce legislation in 2011 or 2012)		X
<b>Tennessee</b>	<a href="#">TN Code 8-21-1001(g)1.</a> Data processing fee	\$2 per document for purchase of computer equipment, upgrades, imaging systems, supplies and maintenance; county legislative body to approve prior to purchase	X	

Technology Fund Fees				
State	Statutory Citation	Summary	Yes	No
Texas	<p><a href="#">TX Local Govt Code Section 118.025</a> Records Archive Fee (2001)</p> <p><a href="#">TX Govt Code Section 51.305</a> District Clerk Technology Fee (2009)</p> <p><a href="#">TX Local Govt Code Section 118.0216</a> for Records Management and Preservation Fee (1991)</p>	<ul style="list-style-type: none"> <li>• For County Clerks – up to \$5 Records Preservation Fee (can be used for automation of records plus other things) on each document filed <u>plus</u> \$5 Archive Fee (used to archive county clerk records) on each document filed</li> <li>• For District Clerks \$4 technology fee (passed in 2009)</li> <li>• For both County Court at Law and District Court cases (both civil and criminal) - \$10 for a countywide records management fund that can be used for preserving records and technology.</li> </ul> <p>Texas has passed 2 funds, about 12 years ago, that are controlled by the Clerks, but the plan must be approved each year by Commissioners Court.</p>	X	
Utah	None			X
Vermont	None			X
Virginia	<a href="#">Code of Virginia 17.1-279</a> (started in 1996)	\$5/document; \$4.00 allegedly goes to the local clerk and \$1.00 into a pool for grants to the smaller clerks. However, a state agency administers the money, so the General Assembly has been able to draw from both pots of money for several years. Uniform across the state. Basically, for improving land records but after the clerk implemented their land records technology plan (including remote access) allowed to use it for technology needs on the court side.	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Washington</b>	<a href="#">RCW Chapters 36.18 and 36.22</a>	RCW 36.18.010 is the primary funding site with all the add-ons within. The main statutory authority for recording "modernization" is in section (9) and refers to 36.22.170. Then you have reference to 36.22.178, 179 which are representational of other add-ons over the years [money for housing authority, money for the SOS Heritage Center, money straight to the State Archives (which holds source film for all counties/cities)]. Overall the Auditors (Washington State's recording officials) have not added more to the \$5.00 filing fee that goes into the general fund, but there are many add-ons to the recording fee so it's much higher than that now.	X	
<b>West Virginia</b>	<a href="#">West Virginia Code §5A-8-15(h)</a> Public Records Management and Preservation Act (been in place for several years now)	\$1 fee for up to first 10 pages of any document recorded and \$1 for each additional increment of 10 pages. Money goes into a statewide preservation fund that a board then gives out as grants to counties to preserve their records.	X	

<b>Technology Fund Fees</b>				
<b>State</b>	<b>Statutory Citation</b>	<b>Summary</b>	<b>Yes</b>	<b>No</b>
<b>Wisconsin</b>	<a href="#">WI State Statute 59.43</a> §59.43(2)(ag)(1) = recording fee	Recording fee changed to flat fee of \$25/document effective 6/25/10; flat fee includes \$15 for county general fund, \$2 for public access, \$6 for county land information office (which all WI counties have) and \$2 to the WI Department of Administration.		
	§59.43(2)(L) = SSN redaction	If/when county begins SSN redaction, there is an extra \$5 recording fee per document for a total recording fee of \$30.	X	
	<a href="#">WI State Statute 59.72</a> §59.72(3) = creates county land information office	The county land information office submits a plan to DOA every 2 years about what they will do with the money and now DOA has to check what the money was spent on and whether or not that was in the plan.		
<b>Wyoming</b>	None			X
<b>TOTALS</b>			<b>38</b>	<b>13</b>
<b>Percentage</b>			<b>75%</b>	<b>25%</b>

## Appendix C – Statutes & Fees on Access to and Bulk Sales of Electronic Land Records

NOTE: This chart was originally compiled in 2009; some updating done in May 2010

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Alabama</b>	Code of Ala. § 41-13-41, § 41-13-44 (2008)	<p>Photocopying of records shall be centralized in the AL Dept. of Archives and History.</p> <p>The Department of Archives and History is authorized to charge any office, court, commission, board, institution, department or agency of the state for the photographing or microphotographing of public records belonging to that office, court, commission, board, institution, department or agency. Such charge shall be on a cost basis.</p>	Unknown	Unknown
<b>Alaska</b>	Alaska Stat. § 40.25.110 (2008)	<p>The fee for copies of records may not exceed the agency's standard unit cost for duplication.</p> <p>Each agency may establish a reasonable fee. If the personnel time needed to satisfy one requester's production of public records exceeds 5 hours, the requester must pay the personnel costs, not to exceed salary or actual costs.</p> <p>A public agency may reduce or waive a fee when the public agency determines that the reduction or waiver is in the public interest.</p>	Yes (reasonable rules during regular hours)	Yes (reasonable fee; not exceed cost of duplication or actual costs)
<b>Arizona</b>	A.R.S. § 39-121.03 (2007)	<p>If the request of public records is for commercial purposes, the requester must provide a statement describing the commercial purpose.</p> <p>The fee shall be a portion of the cost to the agency for furnishing the records, or a reasonable fee for the time and equipment used.</p> <p>The custodian may appeal to the governor if s/he believes the commercial purpose is a misuse of public records.</p>	Unknown	Yes (portion of the cost or reasonable fee for time and equipment; special provisions for commercial purposes)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Arkansas</b>	A.C.A. § 25-19-105 (2008)	<p>All public records must be made available for public inspection during regular office hours of the records custodian. A citizen may make a request for records in person, by telephone, by mail, by facsimile transmission, by electronic mail, or by other electronic means provided by the custodian. A citizen may request a copy of a record in any format which the record is available.</p> <p>The fee for public record copies may not exceed the actual cost of furnishing the copies. If the custodian determines the records are for primarily non-commercial purposes, the fee may be reduced or eliminated.</p>	Yes (regular hours)	Yes (fee not to exceed actual cost)
<b>California</b>	Cal Gov Code § 6253 (2007)	<p>All public agencies must adopt rules for making public records available.</p> <p>If the public record is in electronic format, the custodian shall make the record available in electronic format when requested.</p> <p>The cost of duplication shall be limited to the direct cost of duplication, or a statutory fee if applicable.</p> <p>If the record is not available in electronic format, the agency is not required to make it available electronically.</p>	Yes (need to create local rule; example = San Bernardino local code is County Code 16.023A)	Yes (cost limited to direct cost of duplication or statutory fee if applicable)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Connecticut</b>	§1-211 and § 1-212	<p>An agency that maintains public records in a computer storage system shall make the records available on paper or in any electronic means requested, if reasonable.</p> <p>The fee for a record provided by a state executive, administrative, or legislative office shall not exceed \$0.25 per page. Records of all other agencies shall not exceed \$0.50 per page, and shall not exceed the cost to the public agency.</p> <p>For electronic records, the fee shall be equal to the hourly salary of the employee locating the record, or the cost to the agency of hiring an outside electronic copying service, if necessary, and the cost of storage devices and computer time to provide the requested record. The fee may be waived if the requester is indigent or providing the records benefits the general welfare.</p> <p>An individual may copy a record by using a handheld scanner. The agency shall establish a fee structure not to exceed \$10.00 for copying records using a scanner.</p>	Yes	Yes (hourly salary of employee locating the record plus cost of storage devices and computer time)
<b>Delaware</b>	§ 10003	Each public agency shall establish rules and regulations and fees charged to access records.	Unknown	Yes (each agency to create rule and fees)
<b>District of Columbia</b>	§2-532	<p>A public agency shall make a public record available in any format requested provided the requester pays the cost of producing the record in that format. The agency shall make reasonable efforts to search for the record in electronic format.</p> <p>Each agency may establish its own fees, not to exceed the actual cost of providing the record. The agency shall make the record available within 15 days of the request.</p>	Yes	Yes (cost of producing in format requested)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Florida</b>	Fla. Stat. § 119.07 and § 28.24 (2009)	<p>§ 119.07 - The records custodian may provide remote electronic access to records and shall protect the records from unauthorized remote electronic access.</p> <p>The records custodian may charge a fee for electronic access established in a contractual arrangement with the requester. The fee may include the direct and indirect costs of access.</p> <p>If the volume of the records requested is such that it would require extensive use of personnel time and technology resources, then an additional service fee may be imposed and any additional expenses in providing a room, if necessary. The custodian may supervise the photographing of public records.</p> <p>Copies are \$0.15 one side plus \$0.05 for second side -- these are paper record prices. Certified copy is at least \$1.00 per document per Section 119.07(4)(c). However, it should be noted that Section 28.24(3) says \$2.00 for certifying the document, plus \$1.00 per page.</p> <p>§ 28.24(28) – The clerk of the circuit court may provide the requested public record in electronic format.</p> <p>§ 28.24(5) provides exact fees for paper copies (\$1/page), plus microfilm (\$42/100 foot roll) and microfiche (\$3.50/fiche)</p>	Yes (§ 28.222: land records always open for inspection and extraction under supervision of the recorder)	Yes (direct and indirect costs of access)  Fees specified for paper, microfilm and microfiche; no specific fee set for electronic copies
<b>Georgia</b>	O.C.G.A. § 50-18-71; § 15-6-77 (2007)	§ 50-18-71 – Any person may access public records to make photographs or copies under the supervision of the records custodian. If there is no statutory fee for duplicating the records, the custodian may charge a fee not to exceed \$0.25 per page. A reasonable hourly charge not to exceed the salary of the lowest paid full time employee may be charged for search and retrieval of records. If the record is stored on a computer, the custodian may charge for the disk or tape onto which the record is transferred and for any time involved.	Yes	Yes (not to exceed \$0.25/page plus lowest hourly employee time plus media onto which records transferred)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Hawaii</b>	HRS § 92F-12; 171-6 (2007); Admin Rules 13-16-22 to 13-16-24	<p>§ 171-6 – The board of land and natural resources shall have the power to set and collect reasonable fees for the preparation of documents and the issuance of certified public records.</p> <p>§ 13-16-22 – The registrar may set fees for public records. The fees for a copy with the seal of office are \$1, or \$0.50 for records without an official seal. The registrar may authorize the use of microfilm. The fee for duplicating a microfilm record is \$0.02 per frame.</p>	Unknown.	Unknown (fees set for paper and microfilm)
<b>Idaho</b>	Idaho Code § 31-2419; § 31-3205 (2008)	<p>§ 31-2419 –The recorder may provide access to electronic records on public access terminals.</p> <p>§ 31-3219 – The county recorder and the district court clerk may charge \$1.00 per page for copies of records. For duplication of recorded documents in excess of 100 pages or continuous copy requests for duplication of records using compact disc, zip disc, floppy disc or other electronic means, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners.</p>	Yes	Yes (fees to be negotiated and approved by governing board)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
Illinois	55 ILCS 5/5-1106 (2008)	<p>Any county that provides public Internet access to records maintained in electronic form may also enter into a contractual arrangement for the dissemination of the same electronic data in bulk or compiled form.</p> <p>If, but only if, a county provides free Internet access to public records maintained in electronic form, the county may charge a fee for the dissemination of the electronic data in bulk or compiled form, but the fee may not exceed 110% of the actual cost, if any, of providing the electronic data in bulk or compiled form.</p>	Yes	Yes (enter into contract; fee not to exceed 110% of actual cost)
Indiana	Burns Ind. Code Ann. § 36-2-7-10.1	<p>The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users. The county recorder shall charge bulk users the following for bulk form copies:</p> <p>(1) Seven cents (\$0.07) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.</p> <p>(2) Seven cents (\$0.07) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.</p>	Yes	Yes (\$0.07/page including indices)
Iowa	§ 22.2 subsection 2	<p>§ 22.2 – Public records shall be made available for inspection and copying.</p> <p>§ 22.3 – The records custodian may adopt rules regarding the inspection and copying of records. The custodian may charge a reasonable fee, not to exceed the actual cost.</p>	Yes	Yes (reasonable fee not to exceed actual cost)
Kansas	§ 45-219	§ 45-219 – Copies of public records may be made under the supervision of the custodian. Each public agency may charge reasonable fees, not to exceed \$0.25 per page, for access to or copies of public records. Fees for computerized records may only include the cost of computer services and staff time.	Yes	Yes (not to exceed \$0.25/page for paper?; fees for electronic only computer services and staff time)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Kentucky</b>	§ 61-874	<p>If the agency keeps the records in electronic format, the requester may copy nonexempt records for noncommercial purposes in hard copy or electronic copy. The minimum standard format for electronic records shall be a flat file electronic American Standard Code for Information Interchange (ASCII) format. An alternate format may be used if it complies with the request. The public agency may charge a reasonable fee for copies of nonexempt records for noncommercial purposes, not to exceed actual cost.</p> <p>If the General Assembly has not prohibited disclosing public records intended to be used for commercial purposes, the public agency may charge a reasonable fee and may require a certified statement setting forth the requester's intended commercial purpose. It is unlawful to use public records for a commercial purpose without stating the commercial purpose for which the records are intended.</p>	Yes	Yes (reasonable fee not to exceed cost and statement of commercial purpose)
<b>Louisiana</b>	La. R.S. § 44:32 (2008)	The custodian may collect reasonable fees for copies of public records. The custodian of records may establish uniform procedures for copying records. No fee is charged for reviewing the records. This section also requires the custodian to produce copies of computer disks when requested. <i>Granger v. Litchfield</i> , 645 So. 2d 1262, (1994).	Yes	Yes (reasonable fees and uniform procedure)
<b>Maine</b>	1 M.R.S. § 408 (2007)	Each public agency may charge a reasonable fee for copying records. It also may charge for the actual cost of searching for records, not to exceed \$10 per hour.	Yes	Yes (reasonable fee and not to exceed \$10/hour for search)
<b>Maryland</b>	Md. State Government Code Ann. § 10-621 (2008)	The Custodian may charge a reasonable fee for searching, preparing, or copying records. However, a fee may not be charged for the first 2 hours spent searching and preparing records.	Yes	Yes (reasonable fee and first 2 hours free)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Massachusetts</b>	ALM GL ch. 262, § 38 (2008); ch. 66 § 10	<p>§ 262-38 – All copies of records, whether copied from books or obtained electronically, shall be \$1 per page. Copies from coin operated copy machines shall be \$0.50 per page.</p> <p>§ 66-10 – All public agencies shall allow public records to be inspected and shall furnish one copy for a reasonable fee. The requester shall pay the actual cost of searching for a public record. The custodian has 10 days to comply with a request to inspect a public record.</p>	Yes	Yes (\$1/page for electronic)
<b>Michigan</b>	MCLS § 15.233 and § 15.234 (2008) § 565.551, § 600.2567	<p>§ 15.233 –Providing a computer printout of a record contained on computer tape does not satisfy the statutory duty to provide a requested record. <i>Farrell v City of Detroit</i>, 530 NW2d 105 (1995).</p> <p>§ 15.234 – An agency may charge a fee for search, inspection, and/or copying public records. An agency may waive or reduce the fee if it determines it is in the public interest. The fee may not be more than the hourly wage of the lowest paid employee. Fees must be uniform.</p> <p>§ 565.551 – For a copy other than a paper copy, the fee shall not exceed the reasonable costs.</p> <p>§ 600.2567 – Recorder may charge \$1 for paper copies.</p>	Yes	Yes (reasonable costs for other than paper)
<b>Minnesota</b>	§13.03	<p>Photographic, photostatic, or microfilmed records shall be accessible regardless of size.</p> <p>Each agency shall establish procedures for inspection of records. The public shall have the right to inspect electronic records through remote access to the data and shall have the ability to print or download records from an individual’s own computer. If 100 or less pages of copies are requested, the fee shall not exceed \$0.25 per page. For more pages, the fee shall be the actual cost.</p> <p>Any records stored in a computer storage medium shall be made available to the public in that same medium if reasonably possible.</p>	Yes	Yes (if over 100 pages, fee to be actual cost)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Mississippi</b>	Miss. Code Ann. § 25-61-7 (2008)	<p>§ 25-67-7 – Each public agency may charge reasonable fees not to exceed the actual cost of searching, reviewing, and copying records.</p> <p>§ 25-61-1 – Each agency must provide reasonable access to records stored electronically. An agency may establish a fee scale for reimbursement for creating or maintaining electronically accessible data.</p> <p>§ 25-61-10 – An agency shall provide a record in the requested format if it maintains the record in the specified format.</p>	Yes	Yes (agency may set fee scale for creating and maintaining electronically accessible data)
<b>Missouri</b>	§ 50.1190	The fee for copying public records is \$2 for the first page and \$1 for each additional page, or \$5 for a copy of a plat or survey.	Yes	Yes (fees set for paper and now applied to electronic copies)
<b>Montana</b>	M.C.A. § 7-1-4144	The agency may charge reasonable fees for inspection.	Yes	Unknown
<b>Nebraska</b>	RRS Neb. § 25-1280	<p>§ 84-712 – Individuals are permitted to inspect and copy using their own equipment any public records free of charge.</p> <p>Copies may be obtained in any format requested in which the record is maintained. The agency may charge a fee, not to exceed the actual cost, for providing the copy of the record. The actual cost of copies of electronic data shall include the cost of computer run time, programming, and producing the record in the requested format. The custodian is not required to produce a record in a format in which it is not maintained.</p>	Yes	Yes (fee not to exceed actual cost, including computer time, media format, programming)
<b>Nevada</b>	NRSA § 239.010	<p>§ 232.052 – An agency may charge a fee, which cannot exceed the actual cost, for providing a copy of a public record. The agency may waive a fee if it adopts a uniform procedure and posts it conspicuously.</p> <p>§ 239.010 – Each agency must make its public records available for inspection during regular business hours. An individual may request a record in any medium which the record is available.</p>	Yes	Yes (not to exceed actual cost)
<b>New Hampshire</b>	RSA § 41:24	§41:24 – The town clerk shall furnish records when requested.	Yes	No

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>New Jersey</b>	N.J. Stat. § 47:1A-5	Copies of public records may be provided for a fee which shall be the actual cost of duplicating the record. The records custodian shall provide the public record in the medium requested if the agency maintains the record in that medium. If the agency does not maintain the record in that medium, it shall convert the record to the medium requested or provide the record in another meaningful medium. If the medium requested is one not routinely used by the agency, the agency may charge an additional fee.	Yes	Yes (actual cost of duplicating and may charge for media conversation)
<b>New Mexico</b>	N.M. Stat. Ann. § 14-2-9	To preserve the integrity or confidentiality of computer data in a database, a partial printout of data in computer records may be provided instead of the entire record.  The fee for copies of public records shall not exceed \$1.00 per page.	Yes (reasonable times)	Yes (not to exceed \$1/page)
<b>New York</b>	Public Officers Law § 87(1)(b); CPLR 8019	§ 8019 – The fee for copies of records shall be \$0.65 per page. § 87(1)(b) – A public agency is required to produce electronic information if it can be made available in the format requested. However, if a record is only stored on paper, an agency is not required to provide the information electronically. For either paper or electronic copies of electronically stored records, the fee shall be the actual cost of reproduction.	Yes	Yes (for electronic, actual cost of reproduction)
<b>North Carolina</b>	§ 132-1 and § 132-6.2	§132-1 – Public record shall include documents, film, photographs, books, electronic records, etc. Copies of public records shall be made available to the public for “minimal cost” which shall mean the actual cost. § 132-6.2 – A person requesting copies of public records may obtain them in any format in which the agency is capable of providing them. No requests for records in a particular format may be denied on the grounds that the custodian prefers a different format. A public agency is not required to put into electronic format a record that is not already stored in electronic format  The fee for an uncertified copy of a record may not exceed the actual cost, unless providing the record in the requested format requires greater use of resources.	Yes	Yes (not to exceed actual cost in that format)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>North Dakota</b>	Cent. Code § 44-04-18	Public agencies shall make records available during regular business hours. Upon request, the custodian shall provide one copy of a public record. There is no charge for access to electronic records if they may be recovered without the use of a computer backup. The agency may charge a reasonable fee for copies of electronic records. The agency is not required to create a record that does not exist. A custodian is not required to provide a record in a computer file if there is no means to separate confidential information.	Yes	Yes (reasonable fee)
<b>Ohio</b>	ORC Ann. § 149.43(B)	A requester of records may request a public record be provided on paper, in the same medium as it is stored, or in another medium reasonably available.  Copies shall be provided at cost, including storage, labor, & equipment costs. Bulk data defined as 50+ images.	Yes	Yes (over 50 images = bulk; provide at cost including storage, labor and equipments costs)
<b>Oklahoma</b>	(see Title 67 'Records' generally)	51 Ok. §24A5 – Public records must be made available, any exempt portions should be segregated. Records custodian may charge a fee for the reasonable cost of providing copies, which shall not exceed \$0.25 per page. Charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy	Yes	Yes (not to exceed \$0.25/page; exception for news media at direct cost)
<b>Oregon</b>	ORS § 92.440	The records custodian must provide the requested public records for copying or inspection, or provide a statement of why the request cannot be fulfilled. If the record is available in electronic form, the custodian shall provide a copy in that format if requested. If the record is not available in the requested format, the custodian shall provide the record in whatever format the record is currently stored.  The custodian may charge fees for compiling records or tailoring them to meet a specific request.	Yes	Unknown (fee for compiling to meet request?)
<b>Pennsylvania</b>	No statute or administrative reg found	.	Unknown	No

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Rhode Island</b>	Gen. Laws § 38-2-4	A public agency must provide copies of public records for a fee not to exceed \$0.15 per page. The fee may not exceed the actual cost. The agency shall provide an estimate of the cost prior to providing copies of the record.	Yes	Yes (not to exceed actual cost and/or \$0.15/page)
<b>South Carolina</b>	Code Ann. § 30-4-30	Every person has a right to inspect public records. The agency may charge fees not to exceed the actual cost of providing the record. The records must be provided in a format that is convenient for the requester and the public agency.	Yes	Yes (not to exceed actual cost)
<b>South Dakota</b>	SD Codified Laws § 1-27-1	§7-9-15 - The fee for copies of certified records shall be \$2.00 plus \$0.20 per page, or \$1.00 and \$0.20 per page for uncertified records. The Board of County Commissioners shall establish the fee for copies of microfilm. §1-27-1 Any license holder list maintained by the Dept. of Game, Fish, and Parks shall be made available for a reasonable fee. An automobile insurance provider may access to lists of licensed drivers to verify information.	Yes	Unknown
<b>Tennessee</b>	See Title 10-7-123 reasonable fee for electronic access	Each county official may provide computer and remote electronic access to records in that office stored on computer media. The official may charge a reasonable fee to recover the costs of providing access.  No fee shall be charged to view electronic or other records at the place where they are maintained. Once an agency has created a remote electronic access information system, access must be given to anyone who requests it, even if the requester intends to use the information for proprietary purposes.	Yes (reasonable fee for access)	Unknown
<b>Texas</b>	Govt. Code § 552.261	The fee for a public record shall be a reasonable cost for reproducing the public information, including costs of materials, labor, and overhead. When the fee includes the cost of labor, the requester shall be provided with a written statement detailing the charge.	Yes	Yes (reasonable fee including materials, labor and overhead)
<b>Utah</b>	§ 17-21-18.5	The county recorder shall charge a reasonable fee for providing copies of any record or document.	Yes	Yes (reasonable fee)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Vermont</b>	1 V.S.A. § 316	<p>Anyone may inspect public records during regular business hours.</p> <p>The agency may charge for the actual cost of providing the copy of the record. The secretary of state shall adopt a uniform schedule of charges for state agencies. In establishing a charge, the secretary shall only consider the cost of paper or the electronic media on which the copy is made.</p> <p>The standard form for copies of electronic records shall be the format in which the record is maintained. An agency may convert paper records to electronic format, but is not required to.</p>	Yes	Unknown (Secy of State sets for state agencies)
<b>Virginia</b>	Va. Code Ann. § 2.2-3700	<p>Public records shall be available for inspection during regular business hours.</p> <p>The fee for copies shall be a reasonable fee not to exceed the actual cost. Public records maintained in a computer database or electronic data processing system shall be made available at a reasonable cost. The agency shall make a reasonable effort to provide the record in the format requested. However, the agency will not be required to produce a record in a format not regularly used by the agency.</p> <p>Every public body of state government shall compile, and annually update, an index of computer databases that contains at a minimum those databases created by them on or after July 1, 1997.</p>	Yes	Yes (reasonable not to exceed actual cost)
<b>Washington</b>	§ 42.56.070	<p>Each agency shall make its records available for public inspection. Each agency shall post the cost per page for copies of records. An agency may not use staff salaries, benefits, or overhead charges in calculating the fee for copies.</p>	Yes	Yes (must post fees; may not include salaries, benefits or overhead)
<b>West Virginia</b>	W.V. Code § 29B-1-3	<p>Every person has a right to inspect public records.</p> <p>If the records requested are stored in magnetic, electronic or computer form, the custodian of the records shall make such copies available on magnetic or electronic media, if requested.</p>	Yes	Yes (actual cost?)

State	Citation	Summary	Access to (Inspection of) Records?	Fees for Electronic Records in Bulk?
<b>Wisconsin</b>	Wis. Stat. § 19.35	Public records that are not exempt shall be available for inspection. The agency is not required to take information from public records and compile it in a new format.  The records custodian may impose a fee that does not exceed the actual cost.	Yes	Yes (not to exceed actual cost)
<b>Wyoming</b>	Wyo. Stat. § 16-4-204	A person may inspect and obtain copies of public records.  The custodian may charge a reasonable fee for making copies.	Yes	Yes (reasonable fee)
<b>TOTALS</b>			45 Yes 5 Unknown	41 Yes 2 No 7 Unknown

## Appendix D – Sample Contract Wording

### SAMPLE WORDING FOR DATA SOLD TO A BUYER

General Purchase Restrictions: Buyer and Buyer's customers shall only use the purchased information for their normal business purposes.

Buyer also agrees not to use the purchased information for any other purposes, including but not limited to;

- **Illegal Use:** Using the data in any manner that, intentionally or unintentionally, violates any applicable local, state, national or international law.
- **Fraudulent activity:** Using the data to collect, or attempt to collect, personal information about third parties to make fraudulent offers.

## Appendix E – State Laws & Cases Affecting Post-Sale Restrictions

### California

Cal. Govt. Code § 6257.5. “This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.”

### Florida

A requester's motive for seeking a copy of documents is irrelevant. News-Press Pub. Co. v. Gadd, 388 So. 2d 276, 278 (Fla. 2d Dist. App. 1980) (“Because the newspaper's motives, as well as the hospital's financial harm and public harm defenses, are irrelevant in an action to compel compliance with the Public Records Act, any inquiry concerning any of these defenses is outside the scope of permissible discovery.”)

Microdecisions v. Skinner, 889 So. 2d 871 (Fla. 2d Dist. App. 2004) (“The issue before us is whether a county property appraiser may require prospective commercial users of the records created in his office to first enter into a licensing agreement. We conclude that he may not.”)

### Louisiana

La. Stat. Ann. § 44:32(A): “The custodian shall present any public record to any person of the age of majority who so requests. The custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person and may require the person to sign a register and shall not review, examine or scrutinize any copy, photograph, or memoranda in the possession of any such person; and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted by this Chapter; . . .”

### Massachusetts

950 Code Mass. Regs. 32:05(5): “Prohibition of Custodial Requests for Background Information. Except when the requested records concern information which may be exempt from disclosure pursuant to Gen. Laws ch. 4, §7(26)(n), a custodian may not require the disclosure of the reasons for which a requester seeks access to or a copy of a public record. A custodian shall not require proof of the requester’s identity prior to complying with requests for copies of public records.”

### New Mexico

N.M. Stat. § 14-2-8(C): “A written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought

with reasonable particularity. No person requesting records shall be required to state the reason for inspecting the records."

### **New York**

Data Tree, LLC v. Romaine, 9 N.Y. 3d 454, 880 N.E. 2d 10 (2007). Confirmed that FOIL does not require person seeking records "to show any particular need or purpose" and that Data Tree's commercial motive is irrelevant and constituted an improper purpose for denial of access.

### **North Carolina**

N.C. Gen. Stat. § 132-6(b): "No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request."

### **Pennsylvania**

Pa. Stat. Ann. tit. 65 § 67.1308. Prohibition: "A policy or regulation adopted under this act may not include any of the following:

- (1) A limitation on the number of records which may be requested or made available for inspection or duplication.
- (2) A requirement to disclose the purpose or motive in requesting access to records."

### **Rhode Island**

R. I. Gen. Laws § 38-2-3(h): "No public records shall be withheld based on the purpose for which the records are sought."

### **Texas**

Tex. Govt. Code Ann. § 552.222. "Permissible Inquiry by Governmental Body to Requestor. (a) The officer for public information and the officer's agent may not make an inquiry of a requestor except to establish proper identification or except as provided by Subsection (b) or (c). (b) If what information is requested is unclear to the governmental body, the governmental body may ask the requestor to clarify the request. If a large amount of information has been requested, the governmental body may discuss with the requestor how the scope of a request might be narrowed, but the governmental body may not inquire into the purpose for which information will be used. . ."

### **Wisconsin**

Wis. Stat. § 19.35(1)(i): "Except as authorized under this paragraph, no request under pars. (a) and (b) to (f) may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. . .