

RS 44:32

§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

A.(1) 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; provided that nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined; and provided further, that examinations of records under the authority of this Section must be conducted during regular office or working hours, unless the custodian shall authorize examination of records in other than regular office or working hours. In this event the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public body having custody of such record, out of funds provided in advance by the person examining such record in other than regular office or working hours. The custodian shall be permitted to make an inquiry regarding the specificity of the records sought by the applicant if, after review of the initial request, the custodian is unable to ascertain what records are being requested.

(2) If the custodian reasonably determines that the request would substantially disrupt required government operations, the custodian may deny access only after reasonable attempts to narrow or specify the request with the requestor.

B. If any record contains material which is not a public record, the custodian may separate the nonpublic record and make the public record available for examination.

C.(1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting, unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request. The custodian may establish and collect reasonable fees for making copies of public records, which may include the transmission of electronic copies of public records. The custodian may request payment of fees in advance of production. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.

(b) For all public records in the custody of a clerk of court, the clerk may also establish reasonable uniform written procedures for the reproduction of any such public record. Additionally, in the parish of Orleans, the recorder of mortgages, the register of conveyances, and the custodian of notarial records may each establish reasonable uniform procedures for the reproduction of public records.

(c) The use or placement of mechanical reproduction, microphotographic reproduction, or any other such imaging, reproduction, or photocopying equipment within the offices of the clerk of court by any person described in R.S. 44:31 is prohibited unless ordered by a court of competent jurisdiction.

(d) Any person, as provided for in R.S. 44:31, 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.

(2) For all public records of state agencies, it shall be the duty of the custodian of such records to provide copies to persons so requesting, unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request. Fees for such copies shall be charged according to the uniform fee schedule adopted by the commissioner of administration as provided by R.S. 39:241 or as otherwise fixed or provided by law. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state or the persons whose use of such copies, as determined by the custodian, will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

(3) No fee shall be charged to any person to examine or review any public records, except as provided in this Section, and no fee shall be charged for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction.

D. In any case in which a record is requested and a question is raised by the custodian of the record as to whether it is a public record, such custodian shall within five days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons therefor. Such written notification shall contain a reference to the basis under law which the custodian has determined exempts a record, or any part thereof, from inspection, copying, or reproduction.

Amended by Acts 1968, No. 473, §1; Acts 1978, No. 686, §1; Acts 1981, No. 933, §2; Acts 1989, No. 404, §1, eff. June 30, 1989; Acts 1995, No. 372, §2, eff. July 1, 1995; Acts 1999, No. 1154, §1; Acts 2004, No. 759, §1; Acts 2005, No. 193, §2; Acts 2016, No. 525, §1; Acts 2022, No. 337, §1, eff. June 10, 2022; Acts 2022, No. 770, §1.

Title 4 ADMINISTRATION Part I. General Provisions

Chapter 3.Fees §301. Uniform Fee Schedule for Copies of Public Records

A. Copies of public records furnished to a person so requesting shall be provided at fees according to the following schedule.

B.1. Charges for the first copy of any public records shall be at a minimum \$0.25 per page for microfiche reproductions or paper copies up to 8 1/2 by 14 inches.

2. A two-sided copy shall be considered two pages.

C. Charges for copies of public records on paper larger than 8 1/2 by 14 inches shall be the same as the actual cost to the agency for copying same.

D. Charges for copies of public records on preprinted computer reports shall be the same rate specified in §301.A and B. Each agency shall develop a uniform fee schedule for providing printouts of public records stored in a computer data base utilizing routing utility programs. Such uniform fee schedule shall be first approved by the Division of Administration. An estimated cost shall be given for reproduction of public records stored in a computer which require program modification or specialized programs. The requesting party shall be advised of the estimate, and that it is an estimate, but the actual cost for reproduction, including programming costs, shall be charged if it differs from the estimate.

E. Agencies which have an established fee for copying public records that is in excess of those set forth in the rule must justify that fee in writing and have the established fee approved by the Division of Administration.

F. Copies of public records shall be furnished without charge, or at a reduced charge, to indigent citizens of this state or the persons whose use of such copies will be limited to a public purpose, including, but not limited to, use in a hearing before any governmental regulatory commission.

G. This schedule does not apply to copies of public records, the fees for the reproduction of which are otherwise fixed by law, nor shall this schedule apply to requests for copies from one state agency to another. AUTHORITY NOTE: Promulgated in accordance with R.S. 39:241 and R.S. 44:32. HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 8:411 (August 1982), amended LR 12:229 (April 1986).

Chapter 4.

Department of State §401. Department of State Non-Statutory Fee Schedule

A. The Department of State has established non-statutory fee schedules for various filings, services, and publications. If a product referred to in the schedules shown below has to be mailed, the cost for mailing said product would be added to the fee charged.

1. Department of State General Fees Item Fee Express Delivery (Cost Per Package)
Actual Cost Non-Sufficient Funds Charge \$25.00

Photocopies (Per Page) \$0.25

Postage (Per Package) Actual Cost

Public Records Request Fee (Certify Public Records) (Cost Per Certification Form)
\$20.00

Public Records Request Fee (Cost Per Page up to 8 1/2" X 14") (Two-sided copy is charged as two pages) (Including Facsimile) \$0.25

Public Records Request Fee (Cost Per Page for Printed Copy Greater Than 8 1/2" X 14") (Two-sided copy is charged as two pages) Actual Cost

Public Records Request Fee (Cost Per Page for CD-ROM or USB Drive) \$0.25

Public Records Request Fee (Cost Per Page for Electronic File Emailed) \$0.25

2. ...