

CITY OF BUCKEYE
PUBLIC RECORDS INSPECTION AND COPY REQUEST FORM
INFORMATION AND INSTRUCTION SHEET

Requesting Party: Please read and note the following information and instructions.

Pursuant to A.R.S. § 39-121.01(D), any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours (7:00 a.m. to 6:00 p.m., Monday through Thursday) or may request that a copy of any public record not otherwise available on the City's website be mailed to the requesting person.

A person requesting inspection and/or copies, printouts or photographs of public records must complete the City of Buckeye's PUBLIC RECORDS REQUEST FORM. The City Clerk or custodian will charge an amount approximately equal to the cost of reproducing the requested material in accordance with the below fee schedule. Such amount shall be paid prior to delivery of the material. Pursuant to A.R.S. § 39-121.03, any person requesting copies, printouts or photographs of public records for a **COMMERCIAL PURPOSE** must provide a **written statement** setting forth the commercial purpose for which the copies, printouts or photographs will be used.

Commercial Request

1. There is a special section on the Public Records Inspection and Copy Request Form for record requests that are made for commercial purposes. A "commercial purpose" is defined as:

Use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose for solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body. (A.R.S. § 39-121.03(D)).

2. Charges for a commercial request shall include:

- A. A portion of the cost to the City for obtaining the original or copies of the documents, printout or photographs to be reproduced.
- B. A reasonable fee for the cost of time, materials, equipment, and personnel in making the copies.
- C. The value of the reproduction on the commercial market.

(Note: If a public records request is for commercial use, the City may charge the requestor the same amount for the copy of the public record that he or she would pay a private vendor for the same information or record. Commercial request may require legal review and should be addressed on a case-by-case basis).

3. If the requestor obtains records for a commercial purpose without indicating the commercial purpose, or if he or she obtains the records for a non-commercial purpose, and then uses or allows the use of the records for a commercial purpose, in addition to other penalties, he or she will be liable for damages in the amount of three times what the City could have charged had it known the information would be used for a commercial purpose, plus costs and attorney fees. A.R.S § 39-121.03(C). If a false statement is given, the requestor can also be guilty of a felony (A.R.S. § 39-161).

Duty to Disclose Public Records; Legal Exceptions

Any record created or received by the City of Buckeye is presumed to be public in nature and must be released to the public upon request. However, Arizona law permits denial of access to certain kinds of information if release of the information impinges on privacy interests, is confidential, would interfere with a legitimate government function, or would not be in the best interest of the City.

If the custodian of records believes that the commercial purpose of a copy or copies is a misuse of public records or an abuse of the right to receive them, the custodian of records may refuse a request and may request the governor to prohibit the furnishing of copies for such commercial purposes by executive order. If an executive order is not issued within thirty (30) days of the date of application, the custodian of records will provide the copies after being paid the fee requested.

Public Records Request Fees

The following charges apply as of December 9, 2013:

Non-Commercial

General Requests: \$0.50 per page for hard copies, scanning documents, and electronic reproduction
Requests for Electronic Reproduction of As-Builts, Plans, drawings and other documents submitted by design professionals \$20.00 per USB

Commercial

General Requests: \$35.00 per hour (after the first 15 minutes) plus \$0.50 per page for hard copies, scanning documents, and electronic reproduction (USB/email)
Requests for Electronic Reproduction of As-Builts, Plans, drawings and other documents submitted by design professionals: \$35.00 per hour (after the first 15 minutes) plus \$20.00 per USB

**PRICING FOR GIS DATA AND CARTOGRAPHIC PRODUCTS
(per page)**

Size*	Dimensions	B&W ** (Regular Paper)	Color***	
			Regular Paper	Glossy Paper
A	8.5 x 11	\$.50	\$10	Not Available
B	11 x 17	\$1.00	\$20	Not Available

* Map sizes are nominal. Actual sizes may vary and are based upon the map project of origin.

** B&W copies are for plan sets only.

*** Color maps are generated by the GIS Division.

Copyright and Public Records Procedures

Generally, plans, drawings and other documents submitted by design professionals to the City for review are public records. Under Arizona Public Records Law, the public has the right to examine and request copies of public records in the City’s possession. Some public records, such as site plans and construction plans, may have copyright protection under Federal Copyright Regulation Title 17 of the United States Code. Please be aware that these types of documents may be protected by the Federal Copyright regulation. The use of these documents without copyright holder’s consent may be a copyright infringement subject to civil sanctions and criminal penalties.