

## Department of Workforce Services

### Chapter 1

#### Regulation Governing Access to Records

Section 1. **Statutory Authority.** These regulations are promulgated pursuant to the Wyoming Public Records Act W.S. 16-4-201 through W.S. 16-4-205.

Section 2. **Purpose.** To set forth regulations governing provisions for adequate and reasonable access to records maintained by the Department of Workforce Services.

Section 3. **Applicability.** These regulations apply to the Department of Workforce Services, 122 W. 25<sup>th</sup> St., Herschler 2E, Cheyenne, Wyoming, 82002, concerning access to or examination of public records maintained by the Department of Workforce Services.

Section 4. **Definitions.** For purposes of this regulation, definitions shall be as set forth in W.S. 16-4-201 and the Department of Workforce Services also adopts the following definitions:

(a) "Access" means the ability for the public to obtain records.

(b) "Department" means Department of Workforce Services.

(c) "Director" means director of the Department.

(d) "Examination of Records" means inspection by the public of records in the physical custody (except as a secondary custodian) of the Department.

(e) "Non-fee Requests" means those requests which do not include privileged and confidential records and which require minimal preparation. These include requests, as determined by the Department, for general information of five (5) pages or less. Non-fee requests may include, but are not necessarily limited to: regulations; information brochures; previously published reports routinely provided at no cost and intended for mass distribution; electronic data; and information covered under a MOU, contract or reciprocal relationship. These requests are limited to no more than five (5) pamphlets, five (5) brochures or five (5) items, which qualifies as non-fee requests. If the request exceeds this amount, then a fee shall be charged for the additional information requests as set forth in Sections 6 and 7.

(f) "Privileged and Confidential Records" mean those records set forth in W.S. 16-4-203 (a), (b) and (d) and may also include (g) and W.S. 9-2-2607.

(g) "Public Records" mean as defined in W.S. 16-4-210 (a) (v) and (vi).

(h) "Requester" means a party making a request for access to a public record.

(i) "Secondary Custodian" means division, agency officer or employee of the Department that provides for only the processing or storage of a state agency public record for which the Department is not the owner.

**Section 5. Disclosure.** Information requests for records produced by the Department shall be available for examination. All requests for access to, or examination of, records for copying or other lawful purposes, which the Department is a secondary custodian, shall come from the official custodian of the public record as defined in W.S. 16-4-201(a)(i). Any person seeking information held by the Department as a secondary custodian shall be directed to make such requests to the official custodian of that specific public record.

(a) Those documents classified by law as privileged and confidential shall not be available to public inspection.

#### **Section 6. Fees.**

(a) Information requests shall be submitted in writing to the Office of the Director, Department, 122 W. 25<sup>th</sup> St., Herschler 2E, Cheyenne, Wyoming, 82002.

(b) Non-fee requests need to be submitted in writing, not to the Office of the Director, but shall be directed to appropriate Department personnel.

(c) Postage or handling may be added to any request for copies mailed or delivered.

(d) All requests which require payment should be recorded using an invoice. All payments shall be transmitted to the Fiscal Division for deposit with the State Treasurer. Once the work has been completed, a copy of the invoice and the payment shall be sent to the Office of the Director.

(e) Nothing herein shall be interpreted as requiring any fee be paid for mere examination of records not determined to be privileged and confidential records.

#### **Section 7. Fee Schedule.**

(a) The following fee schedule has been adopted by the Department for use in processing of any request not determined to be a non-fee request:

(i) Photocopy charges shall be twenty-five cents (\$.25) per page.

(ii) Certified copies shall be two dollars (\$2.00) per page in addition to the photocopy charges.

(iii) Employee time shall be assessed at fifteen dollars (\$15.00) per hour for clerical time and twenty-five dollars (\$25.00) per hour for professional time.

(iv) Postage and handling fees (if necessary) will be assessed at the cost of the postage and mail cartons or packages.

(v) Excessive non-fee requests shall be assessed at actual cost incurred by the Department in purchasing or producing the material.

(vi) Electronic format requests shall be assessed at cost of producing copies, constructing the record, including costs of programming and computer service assessed at thirty dollars (\$30.00) per hour.

#### **Section 8. Notification.**

(a) The Department will notify the requester of the estimated fees for making the public record available for inspection or for providing copies to the requester. If the estimated fees exceed thirty dollars (\$30.00), the Department will provide written notice and will not act further in responding to the request until the requester notifies the Department, in writing, to proceed with making the records available.

(b) A retainer shall be required in advance of processing a record request whereby, in the estimation of the Department, the total cost of processing the record request will exceed thirty dollars (\$30.00). The Department shall determine the estimated cost of processing the record request and require the requesting person or entity submit that amount as a retainer. After the request has been processed, if the actual cost of processing the request was greater than the amount received as a retainer, the Department shall contact the requester and require they submit the difference before releasing the information. If the actual cost of processing the request was less than the amount received as the retainer, the Department shall refund the difference. No copies of records shall be released without the receipt of payment in full.

**Section 9. Requests from Governmental Entities.** Requests from the federal government, its agencies, other states and their agencies, other Wyoming state agencies, Wyoming counties, municipalities, the Wyoming legislature, legislative service office, and requests from individual legislators, in their legislative capacity, for records shall be furnished free of charge. These requests shall be subject to the provisions of W.S. 9-2-2607.

**Section 10. Disclaimer.** The Department assumes no responsibility for the illegal or fraudulent use of any information provided by this regulation.

**Section 11. Severability Clause.** If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation shall be severable.