



Standard Administrative Policy and Procedure

Subject: Public Records Requests

Number: UW SAP 7-9.3

I. PURPOSE

The Legislature of the State of Wyoming enacted the Wyoming Public Records Act (W.S. §16-4-201 through 16-4-205) to provide the public with access to public records, books, and files of state governmental agencies (subject to exceptions). The purpose of the Act is to promote disclosure and not secrecy in the workings of government.

II. DEFINITIONS

Designated Public Records Person: The person designated as required by W.S. § 16-4-202(e) or that person's designee.

Public Records: Includes any information in a physical form created, accepted, or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency, institution or political subdivision of the state, whether at a meeting or outside a meeting. W.S. §16-4-201(a)(v).

Requestor: The person or entity that is submitting the Public Records request.

III. POLICY

The University of Wyoming is subject to the Wyoming Public Records Act, and the University will comply with Wyoming law regarding disclosure of any responsive records, including reviewing for any applicable exemptions to disclosure. The law does not require the University to create or compile a record which does not exist at the time of the request. The following document outlines the procedures for requesting Public Records, including when a fee may be charged related to a Public Records request.

IV. PROCEDURES FOR SUBMITTING A PUBLIC RECORDS REQUEST

A. Submitting a Request

Requests for Public Records should be submitted in writing (if possible) to the Designated Public Records Person:

- 1. All requests for Public Records, including athletic agreements, requests from the media, and general records requests:** Paralegal, Office of General Counsel at publicrecords@uwyo.edu or call (307) 766-4997.
- 2. Requests for student directory information** are subject to the Family Educational Rights and Privacy Act (FERPA). Please contact the Office of the Registrar at registrar@uwyo.edu or call (307)766-5272.
- 3. Requests for Police Reports:** UWPd at <http://www.uwyo.edu/uwpd/records/>

B. Notification That Request Has Been Received

The University will notify the Requestor of the acknowledgment of the receipt of the request within seven (7) business days after receiving the request. The notification will include acknowledgment of the request, whether a fee is required, the amount of that fee, and the date by which the University will respond in accordance with the law.

C. Time Period for University to Respond

- 1.** Upon receiving a Public Records request, the Designated Public Records Person will work with the department or unit that houses the potentially responsive records to determine the estimated time it will take to compile and review the records, and whether a fee will be charged. Once that is complete, the University will send the notification to the Requestor as described above.
- 2.** Pursuant to the Wyoming Public Records Act, the University will release any responsive records within thirty (30) calendar days from the date of acknowledged receipt unless good cause exists to prevent the release of responsive records within that time frame.
- 3.** Good cause includes consideration of whether the records are privileged or confidential by law or whether release of the records impairs or impedes the governmental entity's ability to discharge its other duties, such as complexity and volume of the request and delay in payment of fees.
- 4.** If good cause exists to prevent the release of records within thirty (30) calendar days, the records will be released on a date that is mutually agreed upon by the University of Wyoming and the Requestor.

5. If a fee is to be charged, the University will only begin the process of compiling and reviewing the records when the fee has been paid by the Requestor. A delay in payment of the fee may cause a delay in the release of the records.

D. Time Period to Close Out Request if Requestor Does Not Respond

1. If the University does not receive a response or payment from a Requestor within thirty (30) calendar days of the last communication from the University to the Requestor, the University will send a notification of administrative closure to the Requestor. The notification shall state that the request will be administratively closed after thirty (30) calendar days from the date of notification unless the Requestor sends a response confirming that they want the request to move forward.
2. If the request is administratively closed, it does not prevent the Requestor or any other Requestor from submitting the same request in the future.

V. FEES

A. Reasonable Production and Construction Costs for Public Records Requests

Pursuant to the Wyoming Public Records Act (W.S. §16-4-202), the University of Wyoming charges Requestors for reasonable production and construction costs.

1. Fees for Public Records requests are as follows:
 - a. \$15.50/hour for clerical staff time
 - b. \$30.00/hour for information technology staff time
 - c. \$40.00/hour for professional staff time
 - d. Actual cost of programming and computer services
2. The Requestor will be charged only if the amount of the reasonable production and construction costs exceeds \$180.00, and the Requestor will be charged only for the amount above \$180.00.

B. Process for Determining Reasonable Production and Construction Costs

1. Prior to processing the Public Records request, the Office of General Counsel will work with the relevant UW department(s) or unit(s) to determine whether the estimated time to be spent reviewing and responding to the request will cause the reasonable production and construction costs to exceed \$180.00. If so, the Requestor will receive an invoice with the estimated reasonable production and construction costs of the request.
2. Payment must be received before the request will be processed. As stated above, a delay in payment of the fee may result in a delay in the release of the records.

In that situation, the University will contact the Requestor to determine an agreed upon date to release the records.

3. If the request takes less time than estimated, the Requestor will receive a refund for the amount of money that was unused.
4. If the request takes more time than estimated, the Requestor will receive the responsive records to that point and a separate invoice with the estimated cost for the completion of the request. Payment must be received before the Office of General Counsel will continue processing the request.
5. Requestors will not be allowed to avoid the charge by using multiple records requests.

Responsible Division/Unit: Division of General Counsel

Source: W.S. §16-4-201 through 16-4-205

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: None

Approved: 7/1/2019