

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB1603

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Danica A. Roem

3. Committee: General Laws

4. Title: Virginia Freedom of Information Advisory Council; charges for the production of public records.

5. Summary: Provides that any citizen may file up to 20 records requests to a single public body in a period of 31 consecutive days without incurring fees for the first two hours of service. The bill provides that for every request filed to one public body exceeding 20 requests filed during a period of 31 consecutive days by that same individual, the agency may levy a fee equal to the hourly rate of pay, excluding benefits, of the lowest paid individual capable of fulfilling the request. The bill further provides that if the requested records are (i) maintained by the public body in an electronic data processing system, computer database, or any other structured collection of data and (ii) the request requires more than two hours to fulfill, the public body may charge an hourly rate for accessing or searching for the records not to exceed the hourly rate of pay of the lowest paid individual capable of fulfilling the request, and in no case shall total costs exceed \$50 unless the public body and the requester reach an agreement for the requester to pay a higher amount.

6. Budget Amendment Necessary: Indeterminate – see Item 8.

7. Fiscal Impact Estimates: Indeterminate – see Item 8.

8. Fiscal Implications: The fiscal impact of the proposed legislation cannot be determined, as any costs incurred will vary for each state agency. This legislation would prohibit agencies from charging fees related to accessing, duplicating, supplying, or searching for requested records for the first two hours for any individual requesting up to 20 records in a 31-day period. This legislation could also change the fee structure for state agencies charging for accessing or searching records as state agencies would only be allowed to charge a fee equal to the hourly rate of the lowest paid individual in the agency capable of fulfilling the request. Furthermore, this legislation would require total fees for electronic records not to exceed \$50.

Currently, agencies may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. It is unknown how this proposed legislation will impact state agencies because the number, frequency, and complexity of record requests cannot be accurately forecasted.

9. Specific Agency or Political Subdivisions Affected: All public bodies or entities with a public record.

10. Technical Amendment Necessary: No.

11. Other Comments: None.