

Public Records Requests

Request Form

Requests for public records are not required by law to be in writing. However, the borough routinely asks that requests for information research, or copies of documents or audio recordings, be made in writing on a form provided by the borough in order to:

- provide the requestor with a copy of what was requested for their records;
- provide accurate information to the various borough departments which may maintain records responsive to the request so that the specific documents may be clearly understood and to minimize the risk of errors in translations; and
- a written, dated request provides helpful reference in the event that questions develop as to either the timing of the request or whether the requested documents fall within one of the disclosure exceptions.

Reasonable Length of Time

The borough office staff shall have a reasonable length of time to provide requested information or copies. The length of time to provide information or copies will be dependent on the amount and detail in the information requested, the need for a legal or confidentiality review, and the current work load of the staff. Within ten (10) business days after the written request is received, the borough will either

- Provide the record,
- Acknowledge receipt of the request and provide a reasonable estimate of the time required to respond,
- Request clarification, or
- Deny the request.

If the request is denied, the borough will respond in writing, cite the pertinent legal exemption, and explain how the exemption applies to the request.

Fees

The Borough will provide copies of records upon request at the expense of the person making the request. The copying costs will be according to the Borough's most current posted fee schedule. The Borough may establish flat-rate costs to be charged instead of a per-page fee for reports, maps, specifications, other similar bound or produced information, or information

requiring significant or substantial research time. The Borough Manager or Borough Clerk may waive copy charges for documents distributed as general public information or may approve reduced rates for special or unusual circumstances.

In addition to the copying costs, the Borough shall charge the requester the fully benefitted personnel costs to comply with the records request per AS 40.25.110.

Open Records Act

State law on public records: AS 40.25.100-220; 2 AAC 96.100-900. Exceptions are listed in AS 40.25.120.

AS 40.25.110. Public Records Open to Inspection and Copying; Fees.

(a) Unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of the fee established under this section or AS 40.25.115 a certified copy of the public record.

(b) Except as otherwise provided in this section, the fee for copying public records may not exceed the standard unit cost of duplication established by the public agency.

(c) If the production of records for one requester in a calendar month exceeds five person-hours, the public agency shall require the requester to pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay the fee before the records are disclosed, and the public agency may require payment in advance of the search.

(d) A public agency may reduce or waive a fee when the public agency determines that the reduction or waiver is in the public interest. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated. A public agency may waive a fee of \$5 or less if the fee is less than the cost to the public agency to arrange for payment.

AS 40.25.122. Litigation Disclosure.

A public record that is subject to disclosure and copying under AS 40.25.110 - 40.25.120 remains a public record subject to disclosure and copying even if the record is used for, included in, or relevant to litigation, including law enforcement proceedings, involving a public agency, except that with respect to a person involved in litigation, the records sought shall be disclosed in accordance with the rules of procedure applicable in a court or an administrative adjudication. In this section, "involved in litigation" means a party to litigation or representing a party to litigation, including obtaining public records for the party.

Supporting Documents

Public Records Request (download before filling) 75.01 KB