



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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October 16, 2008

Mr. Robert Shear
Post Office Box 154
Nekoosa, WI 54457

Dear Mr. Shear:

Attorney General J.B. Van Hollen has asked me to respond to your e-mail of September 10, 2008 raising two questions under the public records law.

You first state that you made a records request to the school district for the 2006-07 annual reconciliation report in a PDF file burned to a CD. The district responded that the district could charge you \$.25 per page and a cost of \$35.64 for the business manager's time to print the 37 page report. In *WIREdata, Inc. v. Village of Sussex*, 2008 WI 69, ___ Wis. 2d ___, 751 N.W.2d 736, the Wisconsin Supreme Court left open the question concerning the degree to which a requester can specify the precise electronic format that will satisfy a record request. Our office recommends that a custodian who denies a request that records be provided in a particular electronic format state a legally sufficient reason for denying access to a copy of a record in the particular format requested.

A charge of \$35.64 for printing a 37 page report would not seem to be reasonable. Under section 19.35(3) of the Wisconsin Statutes, copy fees are limited to the actual, necessary, and direct costs of reproduction, unless a fee is otherwise specifically established or authorized to be established by law. It has long been the policy of this office that copy fees should be around \$.15 per page and that anything in excess of \$.25 may be suspect. We generally assume that such a per page charge would include not only the costs of paper but overhead costs as well, including the amount of employee time actually, necessarily, and directly involved in making the copies. It would seem that there should be no fee involved in printing from a PDF file other than the cost of the paper. I note that the record custodian has the burden of proving that copy charges are within the statutory limits. The district, therefore, should justify the business manager's time spent printing the report.

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You state that the school district used a corporation to disperse payment of invoices directly related to a referendum. You ask whether you can request records of the invoices submitted by the Nekoosa School District to Hoffman Corporation for payment. The invoices should be public records and you should be able to obtain them for the cost of copying.

Thank you for contacting the Wisconsin Department of Justice. If you have further questions, do not hesitate to write.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Lee", written in a cursive style.

Alan Lee
Assistant Attorney General

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