

WYOMING GAME AND FISH COMMISSION

CHAPTER 1

REGULATION GOVERNING ACCESS TO RECORDS

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-302, W.S. §23-1-303 and W.S. §16-4-204.

Section 2. Regulation. The Commission hereby adopts the following regulation to provide guidelines and provisions for adequate and reasonable access to records maintained by the Commission and Department. This regulation shall remain in effect until modified or repealed by the Commission.

Section 3. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 16 (Public Records Act) and Title 23, Wyoming Statutes, and the Commission also adopts the following definitions:

(a) "Access" means the ability for the public to obtain records during established Department business hours.

(b) "Copies of Previously Issued Licenses" means copies of licenses, tags, or permits which have expired or are no longer valid. "Copies of Previously Issued Licenses" do not include "Duplicate Licenses" or "Replacement Licenses" as defined in Chapter 44, Section 3 (h) and (yy).

(c) "Examination of Records" means inspection by the public, during established Department business hours, of those records in the physical custody (except as a secondary custodian) of the Department or Commission. If examination requires facilities other than the offices of the Department, the person making the request shall be charged the cost of providing the facilities, and the Department shall charge a fee as set forth in Section 6 (h).

(d) "Limited Time and Emergency Situations" means a request for records, which requires a turn around time of forty-eight (48) hours or less. The Department will make every attempt to accommodate limited time and emergency situations, but if higher priority obligations exist, the Department may refuse to provide the records in less than forty-eight (48) hours.

(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 (including mined data searches taking less than thirty (30) minutes); and information covered under an MOU, contract or reciprocal relationship. These requests are limited to no more than five (5) pamphlets, five (5) brochures or five (5) items, which qualify 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 Section 6 (h). Non-fee requests do not include requests for "Copies of Previously Issued Licenses."

(f) "Privileged and Confidential Records" means those records set forth in W.S. §16-4-203 (a), (b) and (d) and may also include (g). Privileged and Confidential Records do not include any photographs, art prints or other artistic productions which are copyrighted or protected by patent. Copyrighted or patented material, whose rights are owned by the Department or Commission, shall be released at the discretion of the Department or Commission. Any copyrighted or patented material obtained by an inspection shall not be resold without the express written permission of the Department or Commission.

(g) "Records" means, in addition to the definitions in the Public Records Act, those office files and memoranda, including all correspondence, exhibits, books, booklets, drawings, maps, forms, documents, information, lists, writings, video or electronic records routinely created by the Department or Commission in the normal course of business, or considered public documents under Wyoming Governor's Executive Order 1999-4 and which does not include any later amendments or editions of the incorporated matter. A copy of Wyoming Governor's Executive Order 1999-4 can be viewed at the Human Resources Office of the Department in Cheyenne. The Department shall inform any requester that a public record exists primarily or solely in an electronic format. The Department shall charge a fee for an electronic record as set forth in Section 6 (h).

(h) "Information Request" means a request for records or information that is created by the Department or Commission in the normal course of business which is not readily available to the public.

(i) "Special Requests" means any request whereby the information requested includes either a compilation of data or records which are not routinely compiled or kept at the same level of detail or format as requested by the Department in the normal course of business. Rather, requested information is contained in the data or records which are electronically mined pursuant to the special request and require additional preparation and expense.

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

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

Section 5. Exception to Disclosure. Those documents classified by law as Privileged and Confidential and copyrighted or patented shall not be available to public inspection, except at the discretion of the Department or Commission.

Section 6. Fees and Payments for Records Requests. This section is promulgated by authority of W.S. §16-4-204.

(a) Main sources of special request records are the Single License Draw database (SLD), the Over The Counter database (OTC), and the Boat Owner database (Boats). A rate of \$.005 per record shall be charged for the entire list. Special requests for modified lists not equal to the total record count of the main source shall be segmented by species for the SLD, license type or permit type for the OTC, if not species specific, and by registration status for Boats. A minimum rate of \$.01 per record shall be charged and shall increase based on the percentage decrease from the record count of the segmented list source.

(i) Minimum charge for special requests of records \$25.00;
Less than 100 records \$ 1.00 per record.

(ii) Special requests for a modified list:

<u>% of segmented list</u>	<u>cost per record</u>
100	\$0.01
70-90	\$0.015
50-69	\$0.0155
40-49	\$0.02
30-39	\$0.025
20-29	\$0.03
10-19	\$0.05
5-9	\$0.06
2-4	\$0.10
.05-1.99	\$0.15

(iii) The included fields are: First name, Last name, Mailing Address, City, State and Zip Code. Additional fields will be charged at a rate of \$5 per field per 1000 records with a minimum charge of \$5 per field.

(iv) Special requests shall be referred to Alternative Enterprises, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006, 307-777-4570. A record of all special requests shall be recorded and maintained by Alternative Enterprises for inspection by the public.

(b) Fees for processing requests which require copies of records shall be as set out in subsection (h) herein. Information requests shall be submitted in writing to the Office of the Director, Wyoming Game & Fish Department, 5400 Bishop Blvd., Cheyenne, WY 82006.

(c) Non-fee requests need not be submitted in writing, nor to the Office of the Director, but shall be directed to appropriate Department personnel.

(d) Fees for examination of records whereby the examination will require facilities other than the offices of the Department shall be as set forth in subsection (h) herein.

(e) A retainer shall be required in advance of processing a record request whereby, in the estimation of the record custodian, the total cost of processing the record request will exceed ten dollars (\$10.00). The record custodian 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 record custodian shall contact the requestor 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 a retainer, the record custodian shall refund the difference. No copies of records shall be released without receipt of payment in full.

(f) Postage and handling may be added to any requests for copies mailed or delivered.

(g) The Department shall respond to records requests within ten (10) working days if the record or other information is readily retrievable by the Department or Commission. If the records requested are not readily retrievable, the applicant shall be notified that additional time will be needed to respond to the request.

(h) The following fee schedule has been adopted by the Commission for Department use in processing requests:

Photocopy Charges.....	First five (5) copies are free; for pages 6-16 shall be \$.50 per page and \$.25 per page for each additional page.
Certified Copies.....	\$2.00 per page is to be added to the Photocopy Charges. (i.e. \$2.50 per page for the first 10 pages and \$2.15 for each additional page.)
Copies of Previously Issued Licenses..	\$10.00 per copy, per license
Employee Time.....	The actual cost for employee time shall be assessed at \$14.00/hour for clerical time and \$24.00/hour for professional time.
Postage and Handling.....	Postage and handling fees (if necessary) will be assessed at the cost of the postage and mail cartons or packages.
Limited Time/Emergency Requests...	In limited time/emergency situations, personnel time fees will be doubled.
National Wetland Inventory Maps...	Mylar \$2.48/map, paper \$0.28/map
Big Game Seasonal Range Maps.....	Mylar \$4.65/map, paper \$0.52/map

Excessive Non-Fee Requests.....	Cost of providing pamphlets, information, brochures and other items in excess of five shall be the actual cost incurred by the Department in purchasing or producing the material.
Electronic Format.....	Costs of producing a copy, costs of constructing the record, including costs of programming and computer service assessed at \$31.00 /hour. If the request requires Wyoming State Mainframe use to retrieve or compile information, the requester shall, also pay the direct costs billed to Game & Fish by the Department of A & I for use of the State's Mainframe.

(i) All requests for information regarding either pending or possible litigation is confidential and should be immediately referred to the appropriate Division Administration.

(j) 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 should be sent to the Office of the Director in the Cheyenne office.

(k) Nothing herein shall be interpreted as requiring any fee be paid for mere examination of records.

Section 7. Requests from Governmental Entities. Requests from the Federal Government, its agencies, other states and their agencies, other Wyoming State Agencies, Wyoming Counties, municipalities, power districts, conservation districts, the Wyoming Legislature, Legislative Service Office, libraries and requests from individual legislators, in their legislative capacity, for records shall be furnished free of charge.

Section 8. Disclaimer. The Commission and Department assume no responsibility for the illegal or fraudulent use of any information provided by this regulation.

Section 9. Savings 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.

WYOMING GAME AND FISH COMMISSION

By:

Bill Williams, DVM, President

Dated: July 20, 2007