

## **PUBLIC RECORD REQUEST POLICY**

### **I. Public Record Requests**

This policy applies solely to requests for public records. Public records are accessible to the public pursuant to the Montana Constitution at Article II, Section 9, and Mont. Code Ann. § 2-6-1001, *et seq.* Montana law additionally constitutionally recognizes the right of privacy as well as various other protections against the disclosure of information.

The Department of Labor & Industry strives to produce information to the public timely and in a cost-effective way. This policy serves to explain the Department's approach to the production of public records and costs associated with it.

This policy does not apply to any request for records pursuant to a subpoena, or for which other legal protections or processes apply. For example, requests for records of the Human Rights Bureau are governed by Admin. R. Mont. 24.8.210; requests for unemployment insurance information are governed by state and federal law.

### **II. How to submit a public record request**

Public record requests are submitted on the Department's website at [dli.mt.gov/records-request](http://dli.mt.gov/records-request), via a web form. Requests received in other locations will be responded to, however different timelines and obligations may apply.

### **III. Estimated time for response**

Upon receiving a public record request, the Department will perform an initial review to determine whether the form submitted may be processed. If so, the Department will acknowledge receipt of the request within 5 business days. If there is not, the Department will seek additional detail about the request. If additional detail is not received within seven calendar days, the request will be deemed withdrawn.

Requests for a single, specific, clearly identifiable, and readily available public record will be fulfilled within 5 days of the Department's acknowledgment of the request. Any other request will be fulfilled within 90 days of the Department's acknowledgment. If that timeline is not feasible, the Department will provide the requester with written notice as to issue, and a response will be provided within 6 months of the Department's acknowledgment. These timelines are extended pursuant to Section IV of this policy.

### **IV. Costs and Fees**

Pursuant to Mont. Code Ann. § 2-6-1006, the Department is authorized to charge fees for responding to public record requests. Fees must be documented, and include the time required to gather the information sought. The Department attempts to keep costs for requesters as low as possible and will communicate with the requester prior to incurring costs. At the Department's

discretion, fees must be paid prior to documents being gathered or produced. Standard fees are listed here. Certain requests may incur different or greater costs for production.

<b>Category</b>	<b>Rate</b>	<b>Explanation</b>
Single identifiable document or other request for specified public documents requiring less than 1 hour to gather	No charge, except printing.	A document clearly identified by the requester which is public, though not published online, will be produced without charge.
Documents will require one to two hours to gather, but require no, or very limited, legal review.	\$50, plus printing.	This category applies to documents which are identifiable but require time to compile or organize prior to production.
<b>Other Record Requests</b>		
Administrative Staff	\$22.40/hour	This rate is charged for staff time gathering and compiling information.
Legal Staff	\$132/hour	This is the rate charged for attorney review of documents for concerns regarding confidentiality, privilege, and privacy.
Technology Services Staff	\$104/hour	This is the rate charged for those requests requiring technology staff programming time to query databases for information.
Printing	\$0.10/page	There is no charge for electronically transmitted documents. However, if printing is requested or required, this rate will be charged. Mail costs will not be charged, unless the production is in excess of 250 pages.

When a fee is required for any public record request, the timeline for response pursuant to Section III is suspended while awaiting payment.

**V. Disputes regarding public record requests**

In the event of a dispute regarding the confidentiality of documents which have been requested in a public record request, the Department will refer the matter to its Office of Administrative Hearings. The Office of Administrative Hearings will, in summary manner and in its discretion, receive argument for and against the release of documents, weighing the public's right to know against the confidentiality interest at issue. It will then issue a written proposed determination. The final decision of the agency with regard to the release of information will be made by the Commissioner of Labor & Industry.

Effective July 1, 2023