



CITY OF
ISSAQUAH
WASHINGTON

How to Charge Fees for Public Records Requests

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Agenda

1. The Basics
2. Cost Study
3. Tricky Fee Calculations
4. Q&A

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Applicable RCWs and Allowable Fees

- [RCW 42.56.070\(7\)](#) – **Provides authority** to adopt a statement of actual costs for paper and electronic copies; **requires** a public hearing.
- [RCW 42.56.120](#) – **Provides criteria** agencies must use, and **pre-approved fees** agencies may use, when establishing a copy fee schedule.

Applicable WACs

- [WAC 44-14-07001](#) – Provides guidance and best practices for charging copy fees.
- [WAC 44-14-07004](#) – Lists other RCWs that govern record copy fees.
- [WAC 44-14-07005](#) – Provides guidance on waiving fees or making alternative agreements with requestors to pay fees.
- [WAC 44-14-07006](#) – Provides guidance for charging deposits and charging fees per installment of records provided.

Police-Specific RCWs

- [RCW 42.56.240\(14\)](#) – **Body Worn Camera** rules and requirements.
- [RCW 10.97.100](#) – **Authorizes criminal justice agencies** to establish a fee schedule and collect fees.
- [RCW 46.52.085](#) – **Collision report** copy fee authorization.

Options for Adopting Copy Fees

Actual Costs

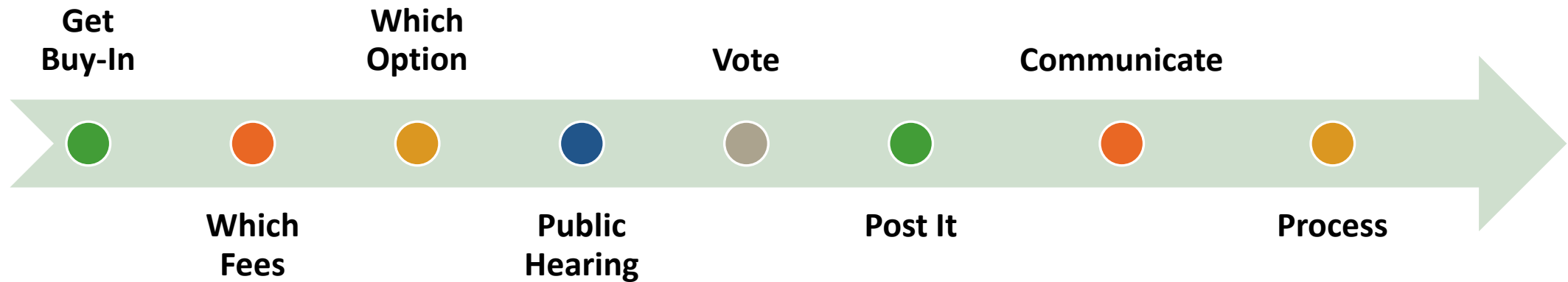
Statutory Default Charges

\$2.00 Flat Fee

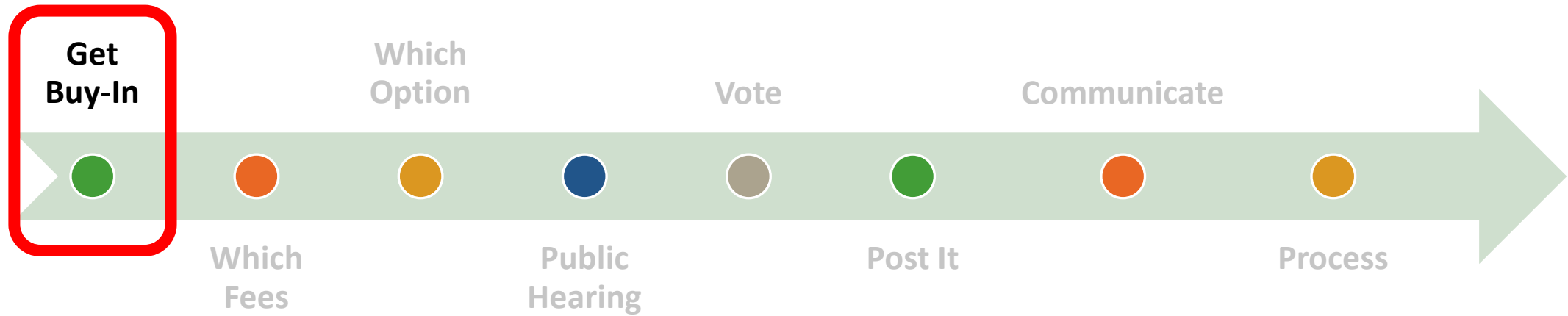
Options for Adopting Copy Fees

OPTION	PROS	CONS
Actual Cost	• Recoup actual costs. • Requestors may be more selective when making requests.	• Must conduct a cost study and update costs over years. • Must conduct a public hearing when adopting a fee schedule.
Statutory Defaults	• Readily available to adopt if cost study is burdensome. • Requestors may be more selective when making requests.	• Fees are nominal. • Without a minimum charge, may cost more to process fees than will collect.
Flat Fee	• Do not have to calculate fees after \$2.00.	• Fees capped regardless of number of records produced. • Agency will not recoup actual costs for large requests.

Process for Adopting a Fee Schedule



Step 1



How to Make a Case

“This will create a horrible experience for people needing records from our agency.”

- It brings Requestors to the table and creates an opportunity for better customer experiences.
 - Requestors incentivized to talk with PRO about their request.
 - Through clarifying, narrowing, or prioritizing, requestors may get records more quickly.

How to Make a Case

“We’ve never charged fees before. Why start now?”

- Come prepared with research.
 - Check old ordinances and policies. Is “never” really true? Understand the history of when/why/how fees were assessed in the past.
 - What does your agency charge fees for? Aim for consistency with other departments and divisions.
 - What are your neighboring or peer agencies doing?

How to Make a Case

“PRRs were never meant to be cost-neutral.”

“This is just the cost of doing business.”

“If we can’t charge for time to locate and review records, why charge anything at all?”

“These fees are so little – are they even worth charging?”

- Does the agency have the budget to continue subsidizing copy fees?
- Having a fee schedule *and* PRR policy in place that dictates when requests can be closed as abandoned can help the agency better utilize and prioritize its limited resources.

How to Make a Case

“This will create a barrier to people accessing public records.”

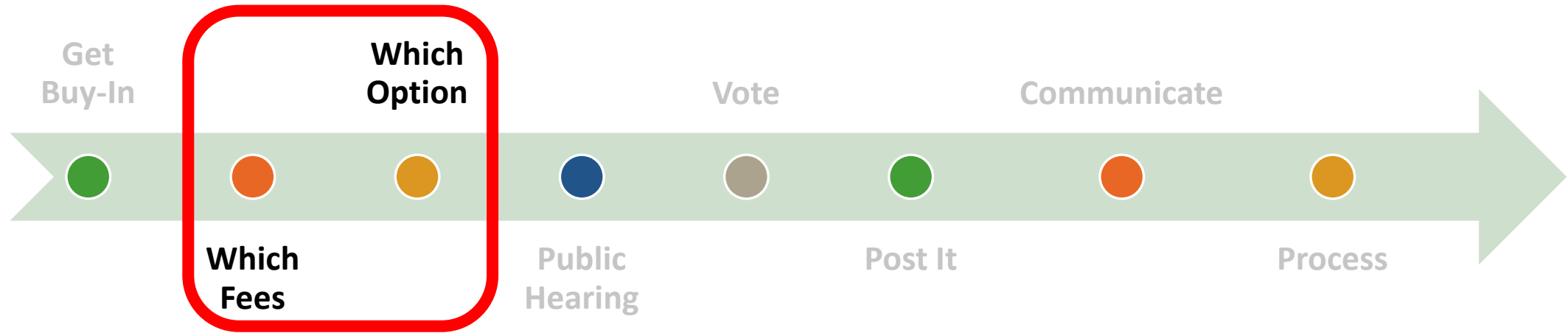
- Inspecting records in person* and records on the agency website are free.
 - *Except for redacted BWC video in certain instances.
- Can waive fees per criteria in fee schedule or policy (RCW 42.56.120(4))
- Can allow alternative fee payment arrangements (RCW 42.56.120(4))
- Fees charged per installment, not all up-front.
- Other methods exist to obtain copies of records outside the PRA.
- If request is closed, can always re-file.

How to Make a Case

“We’ll spend more time/money calculating fees and processing payments than the fees are worth.”

- Charging fees, especially actual costs, can be done quickly, efficiently, and affordably.
- Charging fees could potentially result in the agency spending less time responding to public records requests.

Steps 2 & 3



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How to Conduct a Cost Study or Adapt Another Agency's

START FROM SCRATCH	ADAPT ANOTHER AGENCY'S
Determine which costs to study	Determine which costs to study
Develop methodology to determine actual costs	Review <i>other agencies' studies</i> and adapt one (or parts of several) to your needs
Use methodology to determine actual costs	Use <i>their</i> methodology to determine your actual costs.

How to Conduct a Cost Study or Adapt Another Agency's

- Conducting the study.
 - Example: Per-page cost to print on 8.5"x11" paper:

	Other Agency	Your Agency
Cost of Paper per page Based on last order's total divided by # of pieces of paper	\$0.05	\$0.01
Cost of Ink per page Based on per-page ink costs agency pays per contract to copier company	\$0.05	\$0.07
TOTAL	\$0.10	\$0.08

Types of Copy Fees to Consider

- Copies printed to paper
- Paper records scanned to create digital copies
- Digital records
- Mailing costs
- Actual costs for:
 - Outsourcing
 - Technical services
 - Other customized service charges

Considerations For: Paper Copy Fees

- Size and type of paper
 - Letter, Legal, Executive, large format?
 - Standard white copy paper, card stock, archival, etc.?
- Black and White or Color copies (ink prices may vary)
- Are your fees comparable to vendors in the area that offer similar services?
- **Can recoup actual costs for:**
 - Paper and ink per page printed
 - Copy equipment per page printed
 - Staff time spent making or sending/transmitting copies

Considerations For: Scans

- Size and type of paper (or object), binding
- Ability and availability of agency equipment and staff to scan
 - What types of jobs to scan in-house vs. outsource
- Are your fees comparable to vendors in the area that offer similar services?
- **Can recoup actual costs for:**
 - The scanning equipment per page scanned
 - Staff time spent making or sending/transmitting copies

Considerations For: Digital Records

- Define “Record”. Are “records” the same as “files”?
- Number and file size of records
- Service(s) used to provide electronic record copies (e.g. Dropbox, GovQA)
- **Can recoup actual costs for:**
 - The electronic production or file transfer of records
 - Use of any cloud-based data storage and processing service
 - Costs directly incident to transmitting such records in an electronic format, including any transmission charge and the use of any physical media device provided by the agency
 - Staff time spent making or sending/transmitting copies

Considerations For: Mailing Costs

- Size of envelopes and packages your agency keeps on-hand
- Requiring signature on delivery
- How long it usually takes for staff to package and mail something
- **Can recoup actual costs for:**
 - Costs directly incident to postage or delivery charges
 - Containers or envelopes used
 - Staff time spent making or sending/transmitting copies

Considerations For: Outsourcing, Technical Services, Other

- Do you already have a contract in place to utilize services needed?
- Can the work be performed in-house (and can you charge for it)?
- Are you able to receive a quote before proceeding with the work?
- Does your fee schedule outline when/how a deposit may be required?
- **Can recoup actual costs for:**
 - Services rendered and billed to the agency for work performed as agreed upon by the Requestor and agency.

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Tricky Calculations?

What makes a calculation tricky?

- Finding and calculating costs
- Converting costs into the same units of measurement

Tricky Calculations?

Example: How much does digital storage space cost?

ITEM	COST/UNIT
Cost of Storage Space	\$1,000 / year
Number of Storage Units Purchased	1,000 GB
A ÷ B= Cost per Unit of Storage	\$1,000 ÷ 1,000 GB = \$1.00 per GB

Tricky Calculations?

Example: How much does digital storage space cost?

ITEM	COST/UNIT
Cost of Storage Space	500 GB included with subscription, \$25/month for every 50 GB over, and \$100/month once you hit 500 GB over, billed monthly unless/until/etc.
Number of Storage Units Purchased	Varies by month. At least 500 GB but may exceed this per month.
A ÷ B= Cost per Unit of Storage	Unknown ÷ Unknown = UNKNOWN

Tricky Calculations?

Options:

- Don't charge for any fees you're uncertain about
- Declare certain fees unduly burdensome to calculate and adopt the statute fee
- Develop a flat fee for calculable but tedious fees (e.g. staff time)
 - Based on best, conservative estimates and calculations

Example:

Flat Fee for Staff Time to Copy a Record

Methodology:

- Calculate the time it takes a staff member to make copies.
- Repeat with all staff that would make copies for requests.
- Calculate the average time it takes to **copy** 1 record (not locate or review).
- Determine which per-minute staff wage to use in calculations:
 - Lowest-paid employee's
 - Average of all employees
- Multiply average time to copy 1 record by the per-minute wage.
 - (Actual equation more complicated)
 - DO NOT ROUND UNTIL THE END

Example:

Flat Fee for Copying a Record

Average Time to Copy 1 Record

Employee	Time to copy records (mm:ss)	# of seconds (# min * 60 + remaining minutes)	Fraction of minute (# seconds / 60)	# Records copied	Time to copy 1 record (Fraction of minute / # Records Copied)
Office Asst.	5:09	309	5.150000	10	0.515000
Admin Asst.	3:34	214	3.566667	10	0.356667
Deputy	2:31	151	2.516667	10	0.251667
Clerk	2:49	169	2.816667	10	0.281667
TOTAL		843	14.05000	40	1.405000
AVERAGE (Total / 4)					0.351250

Example:

Flat Fee for Copying a Record

Average Per-Minute Staff Cost

Employee	Per-minute wage
Office Asst.	\$0.60
Admin Asst.	\$0.71
Deputy	\$0.85
Clerk	\$1.05
TOTAL	\$3.21
AVERAGE (Total / 4)	\$0.8025

Example:

Flat Fee for Copying a Record

Flat Fee Based on Averages

Average time to copy 1 record	Average per-minute wage	Average cost to copy 1 record (Avg time * Avg wage)	Rounded Down
0.351250	\$0.8025	\$.281878	\$0.28

Flat Fee Based on Time Avg & Lowest Wage

Average time to copy 1 record	Lowest per-minute wage	Average cost to copy 1 record (Avg time * Lowest wage)	Rounded Down
0.351250	\$0.60	\$.210750	\$0.21

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Resources

General Fee-Related RCWs

- [RCW 42.56.070\(7\)](#), [RCW 42.56.120](#)

Police-Specific Fee-Related RCWs

- [RCW 42.56.240\(14\)](#), [RCW 10.97.100](#), [RCW 46.52.085](#)

WACs

- [WAC 44-14-07001](#), [WAC 44-14-07004](#), [WAC 44-14-07005](#), [WAC 44-14-07006](#)

Resources

City of Issaquah's Fee Schedule and Related Records:

- issaquahwa.gov/PRR

Need Help?

- [Check the Status of Your Public Records Request](#)



- [Fee Schedule](#)

- Note: A non-refundable 3% service fee applies for debit/credit card payments.

- [Public Records Policy](#)



- [Resolution No. 2023-18 Adopting Policy and Fee Schedule](#)

- [FAQs](#)

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